

By Mr. KAHN: Petition to accompany House bill to remove the charge of absence without leave standing against George W. Bell—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of the Chicago National Bank and commercial firms of Chicago, Ill., praying for the extension of the pneumatic postal-tube system to Chicago—to the Committee on the Post-Office and Post-Roads.

By Mr. McDOWELL: Papers to accompany House bill to remove the charge of desertion now standing against Andrew J. Dingman—to the Committee on Military Affairs.

By Mr. McPHERSON: Papers to accompany House bill granting an increase of pension to Eliza Wildman—to the Committee on Invalid Pensions.

Also, paper to accompany House bill granting an increase of pension to Sydney Palen—to the Committee on Invalid Pensions.

By Mr. MINOR: Petition of Irving M. Webber and other railway postal clerks of the Eighth Congressional district of Wisconsin, for the reclassification of the Railway Mail Service—to the Committee on the Post-Office and Post-Roads.

By Mr. NOONAN: Petition of Charles Lange and other druggists of Chicago, Ill., relating to the stamp tax on medicines, etc.—to the Committee on Ways and Means.

By Mr. ROBB: Petition of Abraham Buford to accompany House bill for the relief of the estate of John Buford, deceased—to the Committee on War Claims.

By Mr. ROBINSON of Indiana: Petition of International Association of Machinists, Friendship Lodge, No. 70, William H. Schultz, secretary, Fort Wayne, Ind., in favor of leaves of absence to the employees of navy-yards, gun factories, and naval stations, and arsenals of the Government—to the Committee on Naval Affairs.

By Mr. RYAN of New York: Petitions of James W. Putnam, M. D., Roswell Park, M. D., and Josephine Lintsinger and other trained women nurses, of Buffalo, N. Y., favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

By Mr. SPERRY: Resolutions of the Chamber of Commerce of New Haven, Conn., expressing its approbation of President McKinley's position as to customs tariffs between the United States and Puerto Rico—to the Committee on Ways and Means.

Also, resolutions of the board of aldermen of New Haven, Conn., expressing its sympathy with the proposed extension of Territorial rights to the island of Puerto Rico and its opposition to the policy of imperialism—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of New Haven, Conn., praying that a franchise be granted to a competing cable company for laying a cable to connect the United States with Cuba—to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERWOOD (by request): Petition of the heirs of V. Burrow, deceased, late of Lauderdale County, Ala., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of the heirs of Nathaniel Kennemer, deceased, late of Jackson County, Ala., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of Tabitha Stephens, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also (by request), petition of Malinda McLendon, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WEEKS: Communication of T. A. Wood, grand commander Indian War Veterans of the North Pacific Coast, Portland, Oreg., urging the passage of House bill No. 53, granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive—to the Committee on Pensions.

Also, protest of G. H. Hammond & Co., against the pending bill increasing the tax on oleomargarine, etc.—to the Committee on Ways and Means.

Also, resolution of the board of control of State house of correction and branch prison at Marquette, Mich., in opposition to the passage of House bill restricting the interstate transportation of prison-made products—to the Committee on Interstate and Foreign Commerce.

By Mr. WEYMOUTH: Papers to accompany House bill No. 2876, for the relief of Egbert Stricksma—to the Committee on Claims.

By Mr. YOUNG of Pennsylvania: Protest of the G. H. Hammond Company, of Hammond, Ind., against increasing the tax on oleomargarine—to the Committee on Ways and Means.

Also, petitions of Vetterlein Brothers and Boltz, Clymer & Co., of Philadelphia, Pa., favoring the passage of House bill No. 7935, relating to the duties on imported leaf tobacco—to the Committee on Ways and Means.

Also, petition of Cover, Drayton & Leonard, of Philadelphia, Pa.,

protesting against the ratification of the reciprocity treaty with France—to the Committee on Foreign Affairs.

Also, petitions of B. S. C. Thomas and Charles Este, of Philadelphia, Pa., favoring the passage of House bill No. 887, for the promotion of exhibits in the Philadelphia museums, etc.—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Edgell Company, S. H. Levin's Sons, and Cresswell & Washburn, of Philadelphia, Pa., for the improvement of Trinity River from the Gulf of Mexico to the city of Dallas, Tex.—to the Committee on Rivers and Harbors.

SENATE.

MONDAY, February 26, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on motion of Mr. CULLOM, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

TRADE RELATIONS WITH PUERTO RICO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Brig. Gen. George W. Davis, United States Volunteers, military governor of Puerto Rico, together with a translation of a petition from tobacco merchants, growers, and manufacturers of Puerto Rico, asking for free-trade relations with the United States; which, with the accompanying letter, was ordered to lie on the table and be printed.

INTERNATIONAL PRISON COMMISSION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a letter from Mr. S. J. Barrows, commissioner of the United States on the International Prison Commission, inclosing a report prepared by him relating to the reformatory system in the United States; which, with the accompanying paper, was referred to the Committee on Printing.

REPORT ON THE ISLAND OF LUZON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 21st instant, a report made by Paymaster W. B. Wilcox and Navel Cadet L. R. Sargent, on a trip through the island of Luzon; which, with the accompanying paper, was referred to the Committee on the Philippines, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2925) to authorize Frank Hitch to construct and maintain a bridge across Fishing Creek, within the boundary lines of Edgecombe County, N. C.; and

A bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1891.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 4473) to authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana; and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Peoria County, Ill., praying for the enactment of legislation to protect the song birds of the country; which was referred to the Committee on the Judiciary.

He also presented a memorial of the Sangamon County Medical Society, of Springfield, Ill., remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Modern Remedy Company, of Kewanee, Ill., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a memorial of the Trades Council of Elgin, Ill., remonstrating against the cession of the public lands to the several States; which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Trade of Chicago, Ill., praying for the passage of a river and harbor appropriation

bill at this session of Congress; which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Pana, Ill., and a memorial of sundry citizens of Peotone, Ill., remonstrating against the passage of the so-called parcels post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Freight Bureau of Quincy, Ill., and a petition of the Produce Exchange of Toledo, Ohio, praying for the adoption of certain amendments to the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

He also presented memorials of Local Union No. 47, Cigar Makers' International Union, of Quincy; of Local Union No. 114, Cigar Makers' International Union, of Jacksonville, and of the Federation of Labor of Springfield, all in the State of Illinois, remonstrating against the importation of cigars from Puerto Rico free of duty; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of the Woman's Temperance Union of Wheaton, Ill., and the memorial of J. B. Atherton and sundry other citizens of Washington, D. C., remonstrating against the sale of intoxicating liquors in the Hawaiian Islands; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented the petition of W. S. Swan and 2 other citizens of Harrisburg, Ill., praying for the adoption of an amendment to the pension appropriation bill increasing the pay of examining surgeons; which was referred to the Committee on Pensions.

He also presented a memorial of the Federation of Labor of Chicago, Ill., remonstrating against the passage of House bill No. 5067, concerning the boarding of vessels; which was referred to the Committee on Commerce.

He also presented petitions of Local Union No. 367, Carpenters and Joiners' Union, of Centralia; of Local Union No. 13, Press Feeders and Helpers' Union, of Peoria; of Local Union No. 94, United Mine Workers, of Moweaqua; of Local Union No. 9, International Brotherhood of Electrical Workers, of Chicago, and of Local Union No. 99, United Mine Workers, of Belleville, all in the State of Illinois, praying for the enactment of legislation to protect labor from prison competition, and also to limit the hours of daily labor on Government works; which were referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 8, Printed Bookbinders' Union, of Chicago, Ill., praying for the enactment of legislation to print the label on all publications of the Government; which was referred to the Committee on Education and Labor.

Mr. SHOUP presented the petition of John P. Ryan and 101 other citizens of Boise, Idaho, praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

Mr. PENROSE presented a memorial of General Judson Kilpatrick Camp, No. 233, Division of Pennsylvania, Sons of Veterans, remonstrating against the enactment of legislation to prohibit the wearing of any uniform similar to that used in the United States Army and discriminating in its provisions against the organization of Sons of Veterans; which was referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying that an appropriation be made to continue the work of the Philadelphia Commercial Museum; which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 145, Cigar Makers' International Union, of Williamsport, Pa., remonstrating against the admission of the products of Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

Mr. NELSON presented a petition of the city council of Brainerd, Minn., praying for the enactment of legislation to improve the armament of the militia; which was referred to the Committee on Military Affairs.

He also presented a memorial of Local Union No. 271, Cigar Makers' International Union, of Rochester, Minn., and a memorial of Local Union No. 77, Cigar Makers' International Union, of Minneapolis, Minn., remonstrating against the importation of cigars from Puerto Rico free of duty; which were referred to the Committee on Pacific Islands and Puerto Rico.

Mr. PLATT of New York presented a memorial of the New York County Medical Association, remonstrating against the enactment of legislation for the further prevention of cruelty to animals in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the mayor, aldermen, and city council of New York City, praying that the building of the proposed twelve new gunboats and six cruisers be done at the navy-yards of the country and particularly at the New York Navy-Yard; which was referred to the Committee on Naval Affairs.

He also presented a petition of Local Union No. 250, Cigar Makers' International Union, of Troy, N. Y., remonstrating

against the admission of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented petitions of Local Union No. 14, Journeymen Tailors' Union, of Troy; of Local Union No. 39, Amalgamated Sheet Metal Workers' International Association, of Syracuse, and of Subordinate Lodge No. 36, Brotherhood of Boiler Makers and Iron Shipbuilders of America, of Brooklyn, all in the State of New York, praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service on public works; which were referred to the Committee on Education and Labor.

He also presented a petition of 78 women, trained nurses, of Buffalo, N. Y., and a petition of 31 physicians, trained nurses, and citizens of Buffalo, N. Y., praying for the employment of women nurses in the military hospitals of the Army; which were referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of the congregations of the First Presbyterian Church and the First Methodist Episcopal Church of East Syracuse, N. Y., praying for the enactment of legislation to prohibit the sale of beer and intoxicating liquors in Soldiers' Homes, immigrant stations, and Government reservations; which was referred to the Committee on Education and Labor.

Mr. MASON presented a petition of Local Union No. 69, Teamsters' Union, of Centralia, Ill., praying for the enactment of legislation to protect free labor from prison competition, and also to limit the hours of daily service on public works; which was referred to the Committee on Education and Labor.

He also presented resolutions of the board of county commissioners of Douglas County, Nebr., expressing sympathy for the people of the South African Republic and favoring peace between Great Britain and the South African Republic; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the establishment of an Army veterinary corps; which was referred to the Committee on Military Affairs.

He also presented petitions of the Moline Pump Company, of Moline; the William D. Gibson Company, of Chicago; the Stover Manufacturing Company, of Freeport; the Crescent Yellow Pine Company of Chicago; the Q. and C. Company, of Chicago; the Lakeside Press Company; the Moline Plow Company, of Moline; the Wilson Moline Buggy Company, of Moline; the Aermotor Company, of Chicago; the Weber Wagon Company, of Chicago, and of the Chambers, Bering, Quinlan Company, of Decatur, all in the State of Illinois, praying that an appropriation be made for the construction of a new fireproof Patent Office building; which were referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Thirteenth Ward Home Industrial Club, of Chicago, Ill., and a memorial of the Cigar Makers' Blue Label Club, of Chicago, Ill., remonstrating against the proposed reduction in the tariff of 75 per cent on cigars imported from Puerto Rico; which were referred to the Committee on Pacific Islands and Puerto Rico.

He also presented a memorial of Local Union No. 99, Cigar Makers' International Union, of Ottawa, Ill., remonstrating against the admission of cigars from Puerto Rico free of duty; which was referred to the Committee on Pacific Islands and Puerto Rico.

He also presented memorials of sundry citizens of Pana, Dana, and Peotone, all in the State of Illinois, remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Dunlap Grange, No. 919, Patrons of Husbandry, of Peoria, Ill., praying for the extension of the free rural mail delivery system throughout the country; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry railway mail clerks of Joliet, Ill., praying for the enactment of legislation to provide for the classification of clerks in first and second class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MASON. I present a petition of citizens of Chicago, praying for the extension of the pneumatic-tube system in that city, and accompanying it is a resolution passed by the board of directors of the Chicago Board of Trade, also requesting favorable action by Congress as to the pneumatic-tube system in the city of Chicago. I move that the petition and resolution be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. BURROWS presented sundry papers to accompany the bill (S. 3134) granting a pension to Martha Agnew; which were referred to the Committee on Pensions.

The PRESIDENT pro tempore. The junior Senator from Maine presents a memorial of protest and petition from the people of Puerto Rico to the Congress of the United States.

It is the impression of the Senator from Maine that it might be well to have it printed in the RECORD.

Mr. CULLOM. I ask that that be done.

Mr. FORAKER. I ask that the memorial be printed in the RECORD and referred to the Committee on Pacific Islands and Puerto Rico.

There being no objection, the memorial was referred to the Committee on Pacific Islands and Puerto Rico, and ordered to be printed in the RECORD, as follows:

Memorial of protest and petition from the people of Puerto Rico to the Congress of the United States.

HONORABLE GENTLEMEN: The undersigned, members of the several delegations representing the people of Puerto Rico and their interests, availing themselves of Article I of the Constitution, which says: "Congress shall make no law respecting * * * the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," have the honor to submit to the kind consideration of the Legislature of the United States this memorial of protest against the present government, social and economical conditions of the island; and respectfully petition that their several grievances be heard, and immediate relief be granted them, in order that the newly acquired territory shall be saved from utter ruin and desolation, and the United States of America, by fulfilling the sacred pledges made them at the time of annexation, may maintain their integrity in the hearts of a grateful people, as well as their immaculate reputation in the eyes of all nations. These pledges, we will not deny, were a most powerful incentive to the spontaneous support given the American army of redemption by our compatriots, and to their moral as well as practical support, in a great measure, is due the rapid and easy conquest of the until then powerful foe.

But after almost a year of the ratification of the treaty of peace, which we were told was to inaugurate an era of happiness and prosperity for our people, after nearly a year of unparalleled hardship and suffering, for a perishing people have ceased to ask themselves why with such enthusiasm and trust they amalgamated themselves and all their interests with those of the larger body which came to redeem them from the odious dependence upon an effete monarchy. In very despair they have become silent upon long contemplation of a military despotism as unjust to a law-abiding people, as unworthy of the liberty of a free nation. Those who deny freedom to others deserve it not for themselves, and under a just God, can not long retain it," said Lincoln. "They must be of us, part of us, or else strangers," said Webster. The Puerto Rican people have become perplexed in contemplation of the attempt to impose upon them a crushing tariff system which makes the struggle for existence an utter impossibility; of a financial depression that shuts out the hope of succor even from usurers; of a foreboding starvation; of pledges broken and faith disestablished in the minds of an earnest, industrious, million who turned their faces to the flag of freedom only to find that the emblem gives them no protection, no hope; who "gave their hand to their redeemer that they might be satisfied with bread; who turned their backs upon the old conditions and accepted the new, only to discover themselves cut off from all the world—a people without a country, a flag almost without name, orphans without a father."

But to remain silent any longer is not possible. In one voice these children by late adoption cry out to the mother country that redeemed them, "Who are we; what are we? Have we been invited to come under the sheltering roof, only to starve at the doorstep? Are we citizens or are we subjects? Are we brothers and our property territory, or are we the bondmen of a war and our island a crown colony?"

The answer must come soon, or there will be few left to hear. It must come direct, without evasion or circumlocution, for the mitigation of the woes at the present time and for the preservation of a nation's probity and sense of justice in the eyes of other nations and in the light of history to come. For at the present the Puerto Ricans are neither Spaniards nor Americans—severed from the one, they have not yet been received by the other; with no voice in the administration of the Government that rules them; taxed without representation; with no relief for distress, nor redress for so many wrongs; with no markets wherein to dispose of their goods, and hence no incentive to toil and prosper; with no credit to tide over present adversity and give them hope for the future; and unless Congress comes to the immediate rescue, only starvation and ruin before them.

When, "in the cause of liberty, justice, and humanity," General Miles, with his small army, landed at Ponce on July 23, 1898, and planted there the flag which has ever been the emblem of freedom, justice, and progress, Puerto Rico had been struggling for over four hundred years under ever-waning Spanish domination. In the statements and promises of General Miles's manifesto there was no obscurity or guile. Its pledge was solemn, its warranty of a nation's faith and good will inviolable. "They [the people of the United States] come bearing the banner of freedom, inspired by a noble purpose to seek the enemies of our country and yours. * * * They bring you the fostering arm of a nation of free people, whose greatest power is its justice and humanity to all those living within its fold. * * * We have come * * * to bring you protection, not only to yourselves, but to your property, to promote your prosperity and bestow upon you the immunities and blessings of the liberal institutions of our Government."

After twenty months of survival upon the hope and solace inspired by these broad and solemn assurances, we are constrained to ask ourselves and the people whom the illustrious general represented, Was that the end of a noble purpose when "the enemies of our country and yours" were driven from the Western Hemisphere forever? Where is this "fostering arm," this "justice," blind to our afflictions and deaf to our prayers; this "humanity," so inhuman; this "protection of life and property," which finds speedy repudiation at the hands of those who should be the first to fulfill them? Having rescued us from miserable shelter and burned that to the ground, are we to be denied admittance into this "fold," but left out of doors to survive or perish, to seek our own now impossible salvation or be forever fallen? Where is to be found the "prosperity" which a free and rich people promised to promote? Where are these "immunities and blessings of the liberal institutions of our Government?" In the name of justice we protest that Puerto Rico knows them not, has never known them since American occupation of the island, nor will she know them till the mother country takes the adopted child by the hand and leads her into the "empire of liberty," over the threshold of constitutional rights, and treats her as one of her own.

And what is it that the people of Puerto Rico expect and ask of the Government in which they have no voice, but which rules their very being? Only Territorial rights—such as have long been granted to Arizona, New Mexico, and Oklahoma, and are already prepared to apply to Hawaii.

And what is there in these prerogatives which Hawaii can ask without opposition and Puerto Rico can not? Hawaii, with only one-fifth of white population, while Puerto Rico has seven-tenths; Hawaii, burdened with debt, while Puerto Rico owes not a dollar; Hawaii, far away from the greatest port of entry of the Western Hemisphere, while Puerto Rico is almost as near as Louisiana, which in 1804 petitioned Congress for Territorial rights, even as the "Gem of the Antilles" does now; Hawaii, the Mecca of cheap alien labor of the Orient, with over 20,000 Chinese, which are excluded from the land of its protection, and as many Japanese; Hawaii, a mighty competitor in the sugar interests on cheap labor, capable of sending into this country a million

tons of sugar annually, with a small part of the territory yet developed, while Puerto Rico, at the utmost, could never provide a hundred thousand tons—"a mere drop in the bucket," as President McKinley said. On competitive grounds what logical argument can be brought to bear in the interest of Hawaii to the exclusion of Puerto Rico?

Within these Territorial rights, then, according to the principles laid down in the Constitution, it is just to demand and expect:

FIRST. THE IMMEDIATE AND ABSOLUTE DISCONTINUANCE OF MILITARY RULE.

By what right and authority is military government maintained in a peaceful possession or integral part of these United States the Puerto Ricans have failed to discover. It is in harmony with the teachings of political science and the true principles of democracy that no paternalism, in any way whatever, whether military or civil, should be exercised in Puerto Rico. The Puerto Rican people have not lost, by becoming through the fate of war a portion of the American territory, the right of self-government. And if Puerto Rico is not a part and parcel of the adopted mother country, the latter has no right to legislate for her, and, above all, to place her under the yoke of militarism.

Puerto Rico has never raised hand or voice against her to be thus punished; but, on the contrary, pledged her blood and property to the pursuit of legitimate industries, opposed to the full enjoyment of liberty within the limitations of civil law; it is destructive, never constructive. Under military government there is no prosperity, because there is no common faith, no maintenance of individual rights, no sustained credit. The cross of militarism must be lifted. It is distasteful to the people of the United States. It has become intolerable in our island; it is worse than monarchical; it is despotic; thoroughly opposed to the Constitution and the spirit of equality and fraternity in this the foremost Republic in the world. It becomes, therefore, imperative that the present military government come to an end without further delay.

The second demand within the bounds of Territorial rights is the establishment of a form of popular self-government similar in every detail to the one established in Arizona. There is no tangible reason why Hawaii should be granted even a better Territorial government than Arizona, New Mexico, or Oklahoma, and Puerto Rico one inferior even to the one she had under Spanish rule when the United States took possession of the island. The bill now before the Senate, known as S. 2264, does not meet the requirements of the island or come up to the just expectations of the Puerto Rican people. Qualifications for either voter or legislator should be the same in Puerto Rico as obtain in the proposed government of Hawaii; property restrictions at the polls, being monarchical in principle, is therefore repugnant to American citizens. These restrictions produce in Puerto Rico only 30,000 voters out of a possible 200,000, with universal suffrage. Even now the voting population stands comparison with that of New Mexico at about 90 per cent in Puerto Rico's favor. The islanders are an earnest, aspiring people, and suffrage is the foremost educator of the masses. With the realization of self-government and closer amalgamation with the United States, enlightenment would spread on every hand.

With self-government, then, all things will become possible for Puerto Rico, while with the perpetuation of the military principle the hand of progress will be stayed and the inalienable rights of an intelligent people ignored, noble and lawful aspirations will be curbed, and seeds of legitimate discontent and distrust sown.

SECOND. FREE COMMERCE BETWEEN PUERTO RICO AND THE UNITED STATES.

Without absolute free commerce between the United States and its adopted island there will be no resumption of industries in the latter, no prosperity, nothing but stagnation, retrogression, and disaster. With the withdrawal of Spanish interests and the nonsubstitution of American promotion of prosperity, as was natural to expect, Puerto Rico finds the props and mainstays cut from beneath her whole commercial structure. Swept by cyclone and depressed by military rule, the unsettled outlook forbids any reconstructive capital from developing the resources of the island. Upon the withdrawal of the military and the establishment of free commerce, it would be possible to negotiate loans for the rehabilitation of a devastated island.

Free commerce would be the first and best recognition on the part of Congress that Puerto Rico is really an integral part of the Union. Moreover, free commerce means cheap and abundant food for the islanders who are now starving. To maintain a tariff upon any article of human necessity which comes from the mother country would be inhuman and unwise. The United States have never yet taxed its own people for the necessities of life. Why should they the Puerto Ricans?

Again, helped to its feet by free commerce with the States, the island would not only reestablish its former productiveness and prosperity, but it would be a correspondingly large buyer in the markets of the States. Indeed, it is a matter of wonder why manufacturers, farmers, and stock growers of the United States do not realize that free commerce between them and Puerto Rico means as much and more to them than it does to the latter. Machinery, construction material, hardware, vehicles, leather and cotton goods, drugs, chemicals, and an infinite variety of manufactures, breadstuffs, food supplies, canned goods, and dairy products will be available to Puerto Rico with the advantages of free commerce, even though a large part of these commodities have heretofore come from England and elsewhere. It is self-evident that with no tariff the more the islanders would buy, meaning profit to the seller and development to the island, while Puerto Ricans would be permitted by the lower cost of commodities to reap the distinctive advantages of higher wages, better living, greater development, and larger life.

Free commerce means an increase of shipping on American bottoms, while at present the freight rates are well-nigh prohibitive. The "coastwise shipping laws," at present a grievous hardship to Puerto Rico, would, under free commerce, be modified to the best interests of both countries. The laws which now compel us to use American ships only, as there are few in our harbors, give them the advantage of a monopoly at advanced freight rates; while other crafts which bring to Puerto Rico commodities that should come only from the United States, who would gladly accept lower rates were we privileged to utilize them, return without cargoes. These are a few of the manifold hardships imposed by the United States which free commerce will remove.

Out off from the markets of the world, is it not strange that Congress should hesitate to grant the same commercial freedom and opportunity now possessed by the people of State and Territory alike, and soon to be accorded to Hawaii, when the elimination of the odious tariff is the salvation of Puerto Rico from utter prostration and ruin?

THIRD. THE SUBSTITUTION OF AMERICAN MONEY FOR THE PUERTO RICAN.

The change of currency must naturally follow the establishment of free commerce, as to maintain a foreign currency in a Territory of the United States would be absurd, and any attempt to put the island upon the gold basis, now in vogue in the United States, before the accomplishment of free trade would be ruinous. The exact standard of equity in substituting American for Puerto Rican currency is a matter easily determined by Congress after the grant of Territorial rights and privileges to the island.

FOURTH. THE AUTHORIZATION OF A LOAN.

With the reconstruction of the island, upon the maintenance of free commerce, the withdrawal of the military and the establishment of a Territorial legislature, it will be possible to negotiate a loan for the development of industries, the founding of schools, the building of roads and public works, and for maintaining the government till such a time as prosperity justifies an insular tax to be levied for these ends. As the island is without debt, as soon as there will be permanency in government and industrial organization, capital would be ready to render assistance upon a 4 or 5 per cent interest basis, instead of the 24 per cent plan in evidence under Spanish rule. But first of all the permanency of the government and the stability of its industrial structure must be assured. These are themselves a sufficient guaranty from Congress in the application of Territorial rights.

The acceptance of the fostering arm of the United States by the Puerto Ricans was based on the faith in the pledge and word of honor of an American general representing the highest governmental authority. To date nothing has been done to fulfill these high obligations, those most solemn promises. All authorities point to the truth that the condition of the island is far worse than ever within the mind of this generation under Spanish dominion—a sad commentary on the vaunted freedom, equality, and "promotion of prosperities" of the invading Republic. It is not charity that the Puerto Ricans desire; charity is the one thing they despise and regard as their harbinger of ruin. They have never been a pauper nation, and they will not begin now. All the sad facts as to the condition of the island since American occupation have been communicated to the President of the United States, both by the commissioners and delegates representing the people of the island and by the committees sent thither to investigate the case. The President was so far convinced that immediate legislation was necessary to the restoration of peace and prosperity to the island that in his last message to Congress he strongly urged and advised the withdrawal of the tariff differences between the adopted island and the States, and the Secretary of War, in his late annual report, sustains the position of the Chief Executive, maintaining that "we should treat the interest of this people as our own, and most strongly to urge that the customs duties between Puerto Rico and the United States be removed."

With the President, the Cabinet, the War Department, and the wisest lawgivers in Congress of one mind with regard to the wisdom and expediency of granting Puerto Rico Territorial rights, the first of which is to bring about the establishment of free commerce, how is it possible that there should be opposition cogent enough to defeat the ends of humanity, not to say overruling the principles of the Constitution under whose benignant rule representatives from many nations have lived in peace and prosperity for a hundred years and more, and will continue so to do in one solemn brotherhood of freedom and contentment for untold generations to come?

Let Puerto Rico be instantly declared a part and parcel of the mother country by adoption, an integral Territorial district and not a mere tributary; her citizens in reality citizens of the United States and not subjects of an arbitrary and imperialistic power.

Let the wise provision of absolute and unrestrained free commerce between Puerto Rico and the United States become a permanent law and an accomplished fact.

Let the Territorial form of government be established in the authority and under the protection of the administrative power at Washington and in direct consonance with the principles of constitutional right.

Let American money be substituted for the Puerto Rican.

Let there be full and complete authorization for the floating of bonds for the pressing needs of the island, to restore a measure of industry and the establishment of schools, public works, and government budget.

Let there be authorized by Congress full protection in the treaties of the United States for the products of the island.

Lastly, let there be a commission appointed to codify the laws, and to report upon the interests of the island in the way of general improvements—harbors, highways, light-houses, coast surveys, irrigation, etc.

With these authorized and accomplished, Puerto Rico, once "the gem of the Crown of Spain," will become a star of promise, and perhaps at some future day permanently fixed in the blue of the flag that came to bring it freedom and the sheltering arm, and by whose standards loyal Puerto Ricans shall be glad to live and, if need be, proud to die.

Respectfully,

T. LARRINAGE.
L. SANCHEZ MORALES.
LUCAS AMADEO.
MANUEL F. TUNCOS.
J. JULIO HENNA.

J. R. LATIMER.
AZEL AMES.
GEO. S. FINLAY.
D. W. LUCE.

WASHINGTON, D. C., February 26, 1900.

REPORTS OF COMMITTEES.

Mr. BATE, from the Committee on Military Affairs, to whom was referred the bill (S. 2321) for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C., submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. McBRIDE, from the Committee on Public Lands, to whom was referred the bill (S. 1486) for the relief of J. W. Leigh, reported it with amendments, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 3191) for the relief of the estate of James Young, reported it without amendment, and submitted a report thereon.

Mr. HANNA, from the Committee on Naval Affairs, submitted a report to accompany the bill (S. 403) for the relief of Theodore J. Arms, assistant paymaster in the United States Navy, heretofore reported by him.

The PRESIDENT pro tempore. From the Committee on Commerce the junior Senator from Maine reports, with amendments, the bill (S. 727) to promote the commerce and increase the foreign trade of the United States, and to provide auxiliary cruisers, transports, and seamen for Government use when necessary. The Senator desires to state that a report was prepared, but it requires some modifications on account of amendments which have been made to the bill by the committee. The report will be presented at a later day.

Mr. VEST. I submit an amendment by way of substitute for

the bill just reported. I move that it be printed and lie on the table until the bill is considered.

The motion was agreed to.

BILLS INTRODUCED.

Mr. MASON introduced a bill (S. 3321) granting a pension to Mary A. Buford; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3322) to remove the charge of desertion from the military record of Arthur Trader; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3323) for the relief of the owners and occupants of Camp Tyler, in Cook County, Ill.; which was read twice by its title, and referred to the Committee on Claims.

Mr. PENROSE introduced a bill (S. 3324) for the relief of Frank Oldengot, alias Frank Oltencott; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3325) to correct the military record of Charles M. Gridley; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 3326) to amend an act approved February 11, 1897, authorizing the entry and patenting of lands containing petroleum or other mineral oils or other hydrocarbons, and chiefly valuable therefor, under the provisions of the laws relating to placer mining claims; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 3327) directing the Secretary of the Treasury to refund to the Pacific Coast Steamship Company the sum of \$174.57, collected as duties on a diving outfit; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3328) to authorize the President to appoint and retire Richard Henry Savage, with the rank and grade of major; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 3329) granting a pension to Kate B. Warren; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DEPEW introduced a bill (S. 3330) to establish the University of the United States; which was read twice by its title, and referred to the Committee to Establish the University of the United States.

Mr. CULLOM introduced a bill (S. 3331) granting a pension to James Anderson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3332) granting a pension to Daniel B. Bush; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3333) authorizing Hugh T. Reed to be placed on the retired list with the rank of captain; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLARK of Wyoming introduced a bill (S. 3334) to remove the charge of desertion from the military record of James Calhoun; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARREN introduced a bill (S. 3335) to provide for the purchase of a site and the erection of a public building thereon at Laramie, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. CLARK of Wyoming introduced a bill (S. 3336) to enable the people of Arizona to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; which was read twice by its title, and referred to the Committee on Territories.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MASON submitted an amendment proposing to increase the salary of the chief of division of postage stamps, office of the Third Assistant Postmaster-General, from \$2,250 to \$2,500, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McBRIDE submitted an amendment proposing to appropriate \$204,800, to be paid to the Coos Bay, Umpqua, and Siuslaw Indians, of Oregon, in full of all demands and claims against the United States for the lands described in the agreement made with them August 11, 1855, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. NELSON submitted an amendment proposing to increase the salary of the surveyor-general of Minnesota from \$1,800 to \$2,000, intended to be proposed by him to the legislative, executive,

and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DAVIS submitted an amendment proposing to place under Class V the consulate at Nuevo Laredo, intended to be proposed by him to the diplomatic and consular appropriation bill; which was ordered to lie on the table and to be printed.

MRS. ELIZABETH FOSTER, DECEASED.

Mr. COCKRELL. In consequence of the death of Mrs. Elizabeth Foster, at the advanced age of 98 years, I move that the bill (S. 1985) granting an increase of pension to Elizabeth Foster be stricken from the Calendar, and that it be indefinitely postponed. The motion was agreed to.

MAY A. RANDALL.

Mr. GALLINGER. Mr. President, I desire to enter a motion that the Senate reconsider the vote whereby the bill (S. 2368) granting a pension to May A. Randall was passed.

I move that the House be requested to return the bill to the Senate.

The motion was agreed to.

SENATOR FROM PENNSYLVANIA.

The PRESIDENT pro tempore. If there be no concurrent or other resolutions, the Calendar is in order.

Mr. TURLEY. I ask that the resolution in the Quay case be laid before the Senate.

The PRESIDENT pro tempore. Recognizing the custom of the Senate, and at the request of the Senator from Tennessee, the Chair lays before the Senate the following resolution.

The Secretary read the resolution reported from the Committee on Privileges and Elections, as follows:

Resolved, That the Hon. Matthew S. Quay is not entitled to take his seat in this body as a Senator from the State of Pennsylvania.

Mr. TURLEY. Mr. President, having joined with the majority of the Committee on Privileges and Elections in reporting this resolution and recommending its passage, it is proper that I should give to some extent the views which actuated us in our action.

It is a question which in its general aspect has been frequently before the Senate. I do not think that any case exactly like this has ever been before the Senate. There was one somewhat similar to it, but not exactly on all fours with it, one that I will notice as I proceed.

Although the facts have been stated to the Senate, yet, in order to have my remarks understood, I will again lay them before the Senate, premising that there is no dispute as to the following facts:

Prior to March 3, 1899, Mr. Quay was a Senator in Congress from the State of Pennsylvania. His term of office, to which he had been elected by the legislature of Pennsylvania, expired by efflux of time on the 3d day of March, 1899. The legislature of Pennsylvania convened in regular session on the first Tuesday in January, 1899. On Tuesday, January 17, 1899, it began balloting for the purpose of selecting some one to succeed Mr. Quay and fill the vacancy which would occur on the 3d day of March, 1899. Daily ballots were taken in obedience to the provisions of the act of Congress of July 25, 1866, and of the Pennsylvania statute of January 11, 1867, from that date until April 19, 1899. The legislature adjourned April 20 without effecting an election. Thereafter, on April 21, 1899, the governor of Pennsylvania appointed Mr. Quay to represent the State of Pennsylvania in this body until the next meeting of the legislature.

It will thus be seen that the vacancy, which the governor of Pennsylvania has here attempted to provide for by a temporary appointment, was one which was foreseen, one which was caused by the expiration of a prior term, one which occurred while the legislature of Pennsylvania was in session, and one which that legislature had an opportunity of filling before it occurred, and also after it occurred, in the interim between the date of the occurrence and the appointment by the governor.

Now, it would seem, Mr. President, from a statement of those facts, that if there ever was a case in which the governor of the State was, under the provisions of the Constitution, without power to make a temporary appointment to this body, this is the case. It is in the teeth of every provision of the Constitution bearing on the subject. The vacancy occurred while the legislature was in session, not during a recess of the legislature. The legislature remained in session nearly two months, taking daily ballots to fill the vacancy. The vacancy was one which was foreseen, which happened by the expiration of a regular term, which did not occur either by death, resignation, or any accident.

I intend first, as briefly as I can, to take the provision of the Constitution bearing upon this subject and to construe it as we would any ordinary instrument, any statute, or any provision of law. Then I will take the history of that provision and construe it in the light of the facts surrounding the convention by which it was adopted; and the conclusion, it seems to me, will be the same in both cases. Finally, I shall notice the precedent which the Senate has established in cases like this.

It has always seemed to me that in construing statutes and constitutions the safest rule to follow is the one which requires us to

give to the words used their ordinary and usual meaning, and why? Because constitutions, laws, and statutes are passed for the mass of the people, for the ordinary people, and they ought to be clothed in language so plain and simple that the ordinary man may understand them upon reading them.

I think, therefore, that when courts pass upon statutes and constitutions, and when a body like this passes upon statutes and constitutions, they ought, if possible, to give that meaning to the words used which is given to these words by the ordinary mass of the people who are to be governed by the laws and constitutions.

Now, when we come to the clause of the Constitution bearing upon this subject, we find it divides itself into two branches. The first is that—

The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Now, giving to these words their ordinary meaning, what is the paramount and manifest intention of this phrase of the Constitution? It is, first, to have the Senators chosen by the legislatures of the States. The legislatures are made the bodies to select the Senators to represent the States in this body. Another paramount intention was to make the representation of the States equal in the Senate. Each State was to have two Senators, and each Senator one vote. The men who were framing the Constitution were framing a republican form of government.

Nowhere through the Constitution do we find, except in this one instance, power given to an executive under any circumstances to fill a vacancy in a legislative body. Indeed, such power is, in its elements and essence, contrary to that great provision of our Constitution which says that the executive, judicial, and legislative departments shall be independent of each other. So it is that in forming this body, the idea being to give the States equal representation, the power to fill seats in this body was vested in the legislature of the States, which are chosen by the people of the States.

Now, take this clause and let us see how it operates. I want to say here on this point that I agree fully with the doctrine that the intention was to keep the Senate full, and I agree fully with what was said by the Senator from Virginia [Mr. DANIEL] in his address here on Friday, when he said:

And in construing it—

Referring to this clause of the Constitution—

I start with this general proposition—that there can exist no vacancy in any office in the United States at any time, and no vacancy in the Senate of the United States which can not be instantly filled, however that vacancy may have arisen.

I agree with the general proposition. The word “instantly” as used there probably is not correct, but I do agree with the idea and the proposition that it was the intention of the framers of the Constitution to keep the Senate full. But how was it to be kept full? That is the question now before us. We all agree on the intent, what was to be accomplished, but the method by which the Senate is to be kept full is the question.

Take this first clause. Under the operations of the first clause, which I have just read, there never could be a vacancy in a regular Senatorial term which expired by limitation, except in the one single case of the man who was selected by the legislature refusing to accept, or, in the other case, of his dying before his qualification. Leaving those two out of the way for the moment—I shall return to them directly—in every other case under the operations of this first clause it is impossible that there should be a vacancy in the beginning of a regular term of office in this body if the legislature does its duty.

When the Constitution was passed the legislatures of the States met more frequently even than they do now. I think from the debates on the Constitution that the longest period between sessions of a legislature at that time was one year. So, under this provision, there would always be a legislature in existence before the beginning of a regular term, which could fill that term; and hence I say that if the legislature did its duty there never could be a vacancy in the beginning of a regular term of a Senator in this body.

I want to say further, Mr. President, and I submit it to my brother Senators, that in framing the Constitution its authors never contemplated a case where the citizens would fail to perform their political duties, or where State legislatures would deliberately fail to perform the duties they are sworn to perform. That was a contingency which the framers of the Constitution never intended to provide against.

Indeed, it is a contingency which, under our system of government, it is impossible to provide against, for whenever legislatures fail to perform the duties for which they are chosen and the duties which are devolved upon them and the duties which they are sworn to perform, then the fabric of our Government goes to pieces. It is the very foundation upon which the whole system is built, that the people themselves will be faithful to their political duties, that they will watch and preserve their political rights, and that the legislatures of the States will be equally faithful in the performance of their duty.

Hence it was not intended by the framers of the Constitution to deliberately make a provision that if a legislature, which is selected by the people of a State to perform these duties and to choose its Senators to represent that State in this body, deliberately fails to perform its duty, then somebody else shall perform it. In other words, the whole scheme must necessarily rest for its safety and perpetuity upon the idea that these duties will be performed.

Far better would it be for the safety of the Republic to establish the doctrine firmly and forever that if the legislature of a State willfully and deliberately fails to perform the duty of selecting Senators to represent that State in this body, then that the State itself shall go unrepresented until the people choose representatives who will perform the duty.

Mr. STEWART. Will the Senator allow me to call his attention to section 4 of Article I?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. TURLEY. Certainly.

Mr. STEWART. The provision I am about to read is said by contemporaneous writers to have been placed in the Constitution under the apprehension that the States might not do their duty in that respect:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

It was stated in the debates that this was put in to prevent a State from failing to provide for electing members of the legislature. Some of them had already shown a spirit of that kind. Inasmuch as that would be a little in conflict with what the Senator was saying, I thought it was well to call his attention to it.

Mr. TURLEY. I do not see how it would accomplish the object, if that was the object. It gives to Congress the power to fix the times and places of holding the election. They can not fix the place, but they can fix the time and manner, like we have done in the act of 1866. But how does that force a legislature to do its duty?

Mr. STEWART. Not the legislature, but Congress.

Mr. TURLEY. How does it force the State to do its duty? How does the fact that Congress says a certain legislature shall be the one to elect the Senators force that legislature to do it?

Mr. STEWART. If the legislature does not do it—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Nevada?

Mr. TURLEY. Yes, sir.

Mr. STEWART. It requires Congress to do it. If the legislature fails, Congress may provide for the election. That was put in on the ground that they might fail to do their duty, as it was shown by the debates.

Mr. TURLEY. Now, Mr. President, I can answer that. I am glad to have these interruptions. In the first place, under the clause of the Constitution which I have just read, there would always be a legislature in existence to perform this duty. In other words, the only way it could be avoided would be by the legislature deliberately refusing to perform the duty, or else by the people of the State failing to elect a legislature.

Only those two kinds of vacancies could arise under this clause, without the other one being in there, that the legislature absolutely refused to perform the duty, or declined to do it, or failed to do it, or that the people of the States failed to elect a legislature. Giving Congress the power to fix the time and the manner, but not the place, does not compel the people to elect the legislature, nor does it compel the legislature, which is elected and in existence at the time, and which, under the act of Congress, ought to perform the duty, to perform it. We are under that just where we would be under this, if the people or the legislature declined to perform the duty.

It is impossible on our theory of government to coerce the people or to coerce legislatures in the performance of such great sovereign duties. There is no power to coerce them, because the people are themselves the sovereigns, and the legislatures in these matters are the constituencies of this body, and if they deliberately fail in this matter then it is a case where the system itself breaks down.

So I say it is that under this provision of the Constitution, wisely framed and worded, a scheme was given to the people of this country by which every Senatorial term could be filled at its commencement, and it could only be by neglect or failure of duty that it was not done.

Now, let us go a little further and see where this left the framers of the Constitution. These contingencies arose, then, that a Senator, after being elected, of course, might die; he might resign; he might be expelled; and at some time the contingency might arise that after he was regularly elected and chosen by the legislature he might decline to take the office, or he might die before he was sworn in. Here were uncertain things which might occur, and which would have to be provided for, or else the provision

giving the States equal representation in the Senate would be violated.

Now, mark them. It was not the case of a vacancy in a regular term at its beginning, because that was fully provided for under the provision saying that the legislature should fill the regular term. But it was a case of death, of resignation, of expulsion, of refusal to serve—all matters which could not be provided for under the first clause.

Mr. BURROWS. Something happening to the incumbent of the office.

Mr. TURLEY. Something pertaining directly to the incumbent, something rendering him, either by his own act or by some act outside of him, incapable of filling the office. Hence it was then that this second clause was provided, and that is as follows:

And if vacancies happen by resignation, or otherwise, during the recess of the legislature of any State, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Now, giving these words their ordinary meaning, just as ninety-nine men out of every hundred that you meet in this country, on the streets or on the trains or in your houses, would give them, the vacancy must occur during a recess of the legislature, because if it occurred while the legislature was in session then the body which has the right to fill these places would have the opportunity to supply the vacancy. But it must be during a recess, when the legislature could not fill it. I will notice as I go on, as I believe it must have been in the minds of the framers of the Constitution, though some of the cases have departed from that view, that it must have been a vacancy occurring by some accident, something pertaining to the individual holding the office.

But now what power is given to the governor? It is not to fill the place. The vacancy, when it once occurs, is the same vacancy until it is filled. If any Senator here who is in for a six years' term dies to-morrow, his legislature not being in session, and the legislature meets thereafter and fails to fill his place and adjourns, the vacancy is the same vacancy which occurred or happened at his death. That is the vacancy that the power is given to the governor to temporarily supply—not to fill, but to temporarily supply—and how long can he supply it? He can supply it until the next meeting of the legislature, not as long as it exists.

Can language be plainer than this? He can supply it not as long as it continues or exists, but he has a limited, special power to supply it until the next meeting of the legislature, thus showing again that the framers of the Constitution intended that the legislature alone should fill these vacancies, and that the governor should only act during that temporary and short period when the legislature had no opportunity to act.

It is contended on the other side that as long as the vacancy lasts, no matter how many legislatures may have met and adjourned without filling it, the governor may appoint and reappoint and appoint again, and that under certain exigencies or accidents of the case he might keep his appointee in this Senate for nearly a full term of six years. How easy it would have been to have said that if the framers of the Constitution had so intended. Suppose the clause had read thus:

If vacancies happen by resignation or otherwise during a recess of the legislature of any State, the executive thereof may make temporary appointments until the vacancy is filled by the legislature.

If that language had been used, the governor would have had the power to supply it by appointment until the legislature finally filled it. The language is simple, plain, explicit; and yet, instead of using such language, the framers of the Constitution deliberately used language which conveys exactly the opposite meaning. Instead of giving a general power to fill the vacancy as long as it exists and until the legislature fills it, it limits the power until the next meeting of the legislature.

Let me illustrate by a case, Mr. President. Suppose a merchant in this country intends taking a long voyage, a tour around the world, or any other lengthy journey, and he has a general agent to represent him until his return. Fearing that that agent may die or resign or that some accident may happen to him and he may become incapable of performing his duty, he gives a power of attorney to a third man authorizing him in case of the death, resignation, or incapacity of this agent to then appoint another agent in his stead, temporarily, until the merchant's return to this country and his resumption of the charge of his business.

Suppose he returned and took charge of his business, and then afterwards went away again. Would anybody contend that this power of attorney lasted and operated through the second voyage or the second journey? No; because the merchant would have returned and resumed charge of his business, and the whole matter would have been just as here. Whenever the legislature returns, as the body which under this clause of the Constitution has the full jurisdiction and the full power to act in these matters—when that body meets, then the power of the governor at once ceases.

I wish to refer briefly on this question to what was said by the Senator from Wisconsin [Mr. SPOONER] when we had the Corbett case under consideration. The question then which was being

debated was, What would you do in a case where the governor had made his appointment rightfully, and the legislature meets, tries to elect a Senator, fails to elect one, and adjourns? Has the governor the power to appoint again? Now, this case is even stronger than that, because this has the element in it of a vacancy occurring while the legislature was in session.

But, putting that aside, at any rate, after this vacancy occurred the legislature of Pennsylvania was in session for some two months, from March until nearly the end of April, and was making daily efforts to fill this seat. Therefore it comes directly within the principle of the case of where a governor has made an appointment to fill a vacancy which occurred during the recess of the legislature and the legislature thereafter has met and failed to fill the place. The Senator from Wisconsin, in discussing these questions and speaking on the Johns case, said:

I may be wrong about it, but it has seemed to me that there is ground for fair distinction as to the power of temporary appointment between the case where the legislature meets and fails to fill an anticipated vacancy and where the legislature meets, a vacancy then being in existence, and adjourns without filling it. The Constitution says, in a general way of course, that Senators shall be chosen by the legislature. It does not say by what legislature or in terms when it shall be done.

Then, further on, he said:

It may very well be a different thing if when the legislature meets the vacancy exists. There is a mandate laid by the Constitution upon that legislature not simply to choose a Senator, but as to the time when it shall be done, and it is peculiar in that respect. The governor can make temporary appointment "until the next meeting of the legislature, which shall then fill such vacancy." Is there no ground for the distinction?

Further on the Senator said:

What ground the Kensey Johns case went on I do not know, except that it was the case that when the legislature met the vacancy existed. The governor had never appointed at all; and there were great constitutional lawyers who argued for this construction of the Constitution, which would decide the Johns case, if it were a correct contention—and there was much to sustain it—that the word "until" used in that clause of the Constitution does not limit the duration of the term of the appointee of the governor, but limits the governor's power of appointment.

Further on, when a question was put directly to him, he said:

Yes, it is proper, but purely academic, for in my judgment it is not involved in this case. My own impression has been that there is no authority in the Constitution for the governor to make a number of appointments to fill a continuing vacancy. If my term should become vacant by my death tomorrow, in the recess of the legislature, the governor, of course, would have a right to appoint my successor, and he might come here and be sworn in and die in a month. I should think in that case the governor would have the power undoubtedly to make another appointment.

All of which is true; but his judgment was at that time that there was no authority in the Constitution for the governor to make a number of appointments for filling a continuing vacancy. Of course, when a new Senator is appointed or elected by the legislature, and dies, a new vacancy occurs upon which the clause of the Constitution operates just as it did upon the original vacancy.

Mr. President, I am going to discuss this somewhat in detail, and I want to take up the word "happen," about which there has been so much controversy in these debates—"if a vacancy happen." What does "happen" mean? Again I revert to the rule that we ought to give it the meaning which the mass of the people give to it; and I think every Senator will agree with me that in the common, ordinary, everyday meaning of the word, as used by the masses of the people, it has the idea of accident, something unforeseen, casualty. Of course it may be used in a different sense, and may have a different meaning, according to its use; but all these other meanings are secondary. They are none of them its primary meaning as it is ordinarily used.

As I said, if you were to start out and ask every man you met indiscriminately what his idea was of what the word "happen" meant, he would give you in some way the idea of accident, of casualty. Finally, you might meet a philologist or an expert in construction, and he would tell you that sometimes it meant that, and sometimes it means just the opposite of that. He would tell you that a certain author a hundred years ago had used it in a different sense; he would tell you that it might, according to its context and its subject, mean a continuous condition, as the Senator from Virginia said, that it might mean one thing now and another thing tomorrow—"all things to all men"—until when you left him you would be as confused and confounded as to what the true meaning of the word was as a lawyer would be who searched for a consistent, regular line of decisions in our Federal Reports. But, Mr. President, as I have said, the common, ordinary meaning is that which I have given to it.

Let me illustrate that a little further and thus show you how hard it is to use the word without its having this meaning. I am going now to refer to the report of the minority of the committee in this case, in which they seek to give it another meaning. I read from the minority report on page 18:

Now, we affirm—

Say the minority—

with great confidence that the phrase used in the Constitution is employed in ordinary usage to describe events that do not depend upon chance, and to

describe a continuing condition without reference to the time or method of its origin.

If the Fourth of July happen on Sunday, the coming of Sunday and the coming of the Fourth of July, the coincidence of those two things, is the result of fixed and unchangeable natural laws; and that word expresses not merely the beginning of the Fourth of July, or the beginning of Sunday, but the continued identity of the two periods of time described throughout their entire length. Indeed, the word "coincidence" is equivalent to the words "happening at the same time," and is used to describe events that are not fortuitous.

That is literally true; and yet when you look at it in another light, you will see that, as used here, the idea of chance or accident as it is accepted by the common mind prevails. It is true that the Fourth of July and Sunday happen on the same day according to fixed laws; but those laws are not kept in mind by the mass of the people; and it is in the ordinary acceptance of ordinary people, rather than in this sense of an accident to them, that these two things happen on the same day.

Coincidences are unusual things. Not but that, of course, they are governed by law, as everything else is; but in ordinary parlance, in ordinary acceptance, that is the way they are usually understood. They are unusual things, accidental things, things which do not usually occur; and if you take the illustrations on the other side, you will find the same sense runs through them all.

I may as well admit here that there is nothing which happens by chance. Everything is governed by fixed laws. But we do not know what those laws are, and hence to us it is chance. But if we bring it down to abstract principles, then there could be no such thing as "happen" in the sense of chance. That meaning of the word is eliminated from the subject if we treat it according to abstract law. But this Constitution was not prepared for scientists or philologists, but for people construing language according to stated rules; it was prepared to be plainly read and understood by every man who was to be governed by it.

But let me go a little further. The minority say that the word "happen" is synonymous with "occur," "to come to pass," "to take place." I agree to all of that; I accept those definitions. Let us see what those synonyms, those words, mean. "Occur" has a good many meanings, like all other words. It means, according to Webster's International Dictionary, "to meet;" "to clash;" (2) "to go in order to meet;" "to make reply" (this being now obsolete); "to meet one's eye;" "to be found or met with;" "to present itself;" "to offer;" "to appear;" "to happen;" "to take place;" all things that occur instantly, and which generally occur accidentally.

(a) "To come to pass;" "to occur;" as, the ceremony will not take place.

(b) "To take precedence or priority."—Addison.

(c) "To take effect;" "to prevail."

"If your doctrine takes place."—Berkeley.

"But none of these excuses would take place."—Spenser.

"To come to pass" means, by the same authority, "to happen;" "to fall out."

Now, put those words in the Constitution and see if its meaning is changed any. Let us read it in the light of those words:

And if vacancies occur by resignation or otherwise.

Is that any stronger for the other side than it is as written here, "if vacancies happen?" When you say "a vacancy occurs," do you mean a continuous vacancy, or do you mean "a time at which the vacancy takes place?" Suppose you say "if a vacancy takes place" or "if a vacancy comes to pass by resignation," every word that you substitute for "happen" there means this, at least—it means to indicate the point of time at which the vacancy begins. "Occur," "come to pass," "happen," "take effect"—all these indicate the point of time at which the vacancy begins.

A vacancy does not occur and recur every minute and every second as long as it lasts. It occurs once, and then, to the ordinary mind, it continues to exist until it is filled; but it occurs at the time it begins, just as death occurs, and then the state of being dead, the state of death, continues. Birth is the beginning of life, and occur is the time at which the vacancy begins. This analogy fits in with the meaning and intention of the framers of the Constitution. They meant a vacancy which began when a legislature was not in session, because if the legislature was in session, then, under the Constitution, it was the body whose sworn duty it was to act, and the body which alone had the power to act. Therefore, no matter what word you substitute for the word "happen," you come back to it, that it means the point of time at which the vacancy takes place, or occurs, or comes to pass. That is, in my mind, the only reasonable explanation which can be given to it.

I now pass on, and I come to the word "otherwise." I want to discuss that briefly, because the Senator from Virginia [Mr. DANIEL] has stated, or rather his argument is, that it is preposterous to give to the word "otherwise" the meaning which we give to it in this phrase. The language is, "if vacancies happen by resignation or otherwise." We say that under the ordinary

rules of construction which prevail in such cases the word "otherwise" is limited by the word "resignation;" that is, a general word following specific words is limited by the specific words. The Senator from Virginia said, and other Senators say, "otherwise" means "in a totally different manner." I agree that it means in a different manner; it means in a different way.

But what is the question here? The question in construing this word is, what is to cause the vacancy which can be filled by the governor? The Constitution says "a vacancy caused by resignation." Now, a vacancy caused by death is a vacancy caused in a different manner, a wholly different manner. A vacancy caused by expulsion is a vacancy caused in still another different manner, wholly different from the other; but a vacancy caused by a refusal to accept is a vacancy caused in still another manner.

Now, what we say is that the word "otherwise" should be construed, according to all the rules of construction, to mean causes of the same general character, causes of like character, not identical causes—different causes, caused in a different way, caused in a different manner—but still causes of like general character.

Let me see what the Supreme Court of the United States has said on this question. It is referred to in the minority report of the Lee Mantle case and several other cases. The general rule is laid down, as follows:

A general word which follows particular and specific words of the same nature as itself takes its meaning from them and is presumed to be restricted to the same genus as those words; or, in other words, as comprehending only things of the same kind as those designated by them, unless, of course, there is something to show that a wider sense was intended.

Now, in the case in 18th Howard, *Ham vs. The State of Missouri*, the facts were these:

The plaintiff in error was indicted for a trespass on land belonging to the State of Missouri, which had been granted in 1820 to that State for school purposes, being every sixteenth section of certain boundaries of land. Ham pleaded that by another act, in 1811, the Congress of the United States had reserved and set apart from entry and sale certain lands against which there were outstanding claims until said claims had been settled. The terms of the grant to the State of Missouri were of every sixteenth section, "unless the same had been sold or otherwise disposed of."

Ham's counsel contended that the act of 1811, reserving and setting apart from entry and sale certain of these lands against which there were outstanding claims, until said claims had been settled was "otherwise disposing of" them; and manifestly it was, taking the words "otherwise disposed of" in their broad sense, just as here "otherwise," unless limited by the word "resignation," would include every kind of vacancy. So "otherwise disposed of" would include every imaginable disposition, temporary, permanent, in fee, or any kind of disposition. Yet the Supreme Court when they construed that said "otherwise" was limited by "sale," and it could only be a disposition which was of the same character and nature as a "sale."

I pass from that case. In another case, the *Thames Insurance Company vs. Hamilton*, Chancellor Hallsbury says:

If understood in their widest sense the words are wide enough to include the injury; but two rules, now fairly established as a part of our law, may be considered as limiting these words. One is that words, however general, may be limited with reference to the subject-matter in relation to which they are used. The other is that general words may be restricted to the same genus as the specific words that precede them. (See *Sutherland on Statutory Construction*, page 357.)

This case was an action upon a policy providing for insurance against all the perils of the sea, and of "all other perils, losses, and misfortunes that have or shall come to the hurt, detriment, or damage of the aforesaid subject-matter of this insurance or any part thereof." The damage alleged was to a donkey engine, which was used in pumping water into the main boiler, and which burst, owing to a valve being closed which ought to have been open.

The holder of the policy contended that it came in under the words "other perils," which undoubtedly it did, because the language was as broad as it could be if we look alone to the words "or other perils, losses, or misfortunes." Here was the destruction of a donkey-engine by the bursting of a valve, and the policy was against perils of the sea. Although the language "or other perils" was used, yet it was limited to perils of like character, the perils of the sea. Can cases be stronger?

Just so we said here, "otherwise" should be limited to causes of a like character, of the same genus, as resignation; and it fits in again with the whole scheme, it fits in again with the plan, because there was no need to provide against any other kind of a vacancy than that caused by an accident of that sort. A vacancy caused by the regular efflux of time, which could be foreseen, was provided for in the first part of the clause, and it was only those vacancies which were caused by accident, which could not be foreseen, that it was necessary to provide against; and to avoid the necessity of using a great number of words, one word indicating the general genus or class was used, and then "otherwise" included every other cause of like character and of like kind.

Mr. President, I come now to a point I wish to touch upon briefly, simply wishing to say that if we construe this clause of the Constitution—referring again to what the Senator from Vir-

ginia has said, and to what we all agree, that the intent was to keep the Senate always full—I say that under our construction a plain, simple, consistent, and adequate means of keeping the Senate full is supplied. It can be kept full at all times, when vacancies occur by efflux of time, by the election by the legislature; when they occur accidentally, by the appointment of the governor until the legislature meets; and thus the Senate is always full.

It is as easy to keep it full that way as it is under the other doctrine. If the idea had been, fellow-Senators, that the Senate must at every instant of time be kept full, would language like this have been used? Let us see what all admit and what the framers doubtless saw. Many of our legislatures remain in session for months. In many States the habit has grown up of limiting the time of their session, but when this Constitution was framed and for years afterwards and now in many States the sessions are unlimited.

Take the case of the State of Pennsylvania. There the legislature met in January and it could hold sessions as long as it pleased—I believe there is no limitation on the sessions of the legislature of that State. It was in session during January, February, March, and April—four months. During two months of this time there was a vacancy in the Senate which, it is admitted, nobody but that legislature could then fill. So, under all constructions and any construction that is supported on this floor, here was a two months' period, and if the legislature had run longer, four, five, or six months, there would have been that length of period, during which there was no way of filling this vacancy as long as the legislature remained divided in its opinions and failed to perform its duty.

In 1893 the policy of this Government was changed in less than two months. War was declared and a greater portion of it was successfully fought in less than four months. How many great measures were passed in that short time. When the power is given to the governor to appoint, it is not said that he must appoint; it is not said that the Senate must always be full; but it is said he "may appoint;" it is left to the governor to exercise his discretion; and where is the paramount, controlling intent which would override every other intent and every other motive of the framers of the Constitution, that the Senate should always and at all times, at every instant, have its full quota of Senators?

Necessarily there must be times when there are vacancies, and the language is simply to give the privilege to the governors, on behalf of their States, to fill those temporary vacancies. If a governor does not choose to fill such a vacancy, no man can say he has violated his trust. It is a discretion which he settles with his own conscience under his oath of office, but the legislature that fails to perform this duty does, in my judgment, violate its oath of office. There is the difference and distinction between the two.

Mr. President, I am taking up more time than I intended. I want to advert briefly now to the historical side of this question. When the Convention met there were several plans proposed for selecting Senators; two, differing in detail, contemplated the selection by the House of Representatives, one contemplated an election by the people, one by electors chosen by the people, two for election by the legislature, and one for appointment by the President out of a certain number nominated by the legislature. The plan for the legislatures to elect was adopted with the equal State representation. The matter was then referred to the committee on detail.

Now, notice the report as it came from the committee on detail. As it came from the committee on detail the clause read thus:

The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

It is to be noticed, Mr. President, that under that language as there reported by the committee on detail this appointment would have been good.

Mr. HOAR. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Massachusetts?

Mr. TURLEY. Certainly.

Mr. HOAR. The Senator is relating history. Is it not also true that that language had passed the entire body unquestioned before it went to the committee on detail in that form? In other words, did not the Constitutional Convention once vote for language which the Senator now concedes would have authorized this appointment; and then did not they change that language for the sole reason that they wanted to remove this doubt about the right to resign?

Mr. TURLEY. Well, I am not as familiar with the details of that as is the Senator from Massachusetts, and I have not the book here. As I read the Constitution, the Convention selected the method of having the Senators chosen by the legislatures and equal State representation, and then the matter went to the committee on detail.

Mr. HOAR. The Senator will pardon me. I think he will find this stated in the minority report, if he will look at it. The history of this thing is this: The Convention enacted, taking up section by section, certain arrangements, among others this arrangement: They shall be chosen by the legislature; vacancies shall be filled. That was everybody's opinion. Then, having got through the Constitution and passed their opinion on every separate arrangement, they sent it to a committee on detail to arrange the style and any detail which might be necessary to carry out their purpose, the purpose which my honorable friend concedes was to let the governor appoint if the legislature could not fill a vacancy.

At least, that is what we claim. Then Mr. Madison, who reports the thing himself, so you are sure you have a correct report of the purpose, got up and said what I shall read. Mr. Ellsworth first said in the discussion how important it was that the Senate should always be full, and Mr. Madison got up and said, "If you leave this as it is, we shall have the English question on us of the right of a Senator to resign. Therefore I move to put in the words, 'which are in now,' in order to make it clear that a Senator may resign or decline." That was the sole reason for making any change. The whole Convention having once said unanimously, "If there is a vacancy under any circumstances whatever, the governor may fill it," Mr. Madison says, "Let us make a change in the language to show that a man can resign."

Mr. PENROSE. I happen to have Taft's Election Cases here. I should like to call the Senator's attention to the exact reading of the original article as reported from the committee on detail. Section 1 of Article V reads as follows:

The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies may be supplied by the executive until the next meeting of the legislature. Each member shall have one vote.

There is no qualification or limitation whatever put upon the right of the executive.

Mr. TURLEY. I have read that. I am going to concede, because I have not carefully examined that point, that the Convention did at one time adopt that clause.

Mr. BURROWS. Will the Senator from Tennessee allow me for one moment?

Mr. TURLEY. Certainly.

Mr. BURROWS. Of course that original general statement that the legislatures should choose Senators and that vacancies should be filled by the executive was simply a declaration of the general policy to be pursued in the framing of that provision. But when that general policy or declaration went to the committee on detail it was completely changed, and instead of saying that vacancies shall be supplied by the executive it was modified by saying that vacancies happening during the recess of the legislature.

Mr. HOAR. That was not by the committee on detail. It was after it came back from the committee.

Mr. TURLEY. The committee on style.

Mr. BURROWS. I misused the word. I should have said the committee on style. It said, "vacancies happening during a recess."

Mr. HOAR. My honorable friend, if he will pardon me, is in error in his memory, as he will see if he will look at the record. It was not changed in committee. It was changed, when it came back, on Mr. Madison's motion.

Mr. BURROWS. It was changed.

Mr. HOAR. The Senator said it was changed in committee.

Mr. BURROWS. In the committee on detail or the committee on style; one or the other.

Mr. PENROSE. I should like to inform the Senator from Michigan that it is a well-known and admitted fact that the committee on style had no authority whatever to alter the matter contained in any provision of the Constitution. The amendment was placed in the Constitution upon the open floor of the Convention, and all that the committee on style did was to strike out the words "refusal to accept," leaving in the words "resignation or otherwise" in the interest of simplicity and good English.

Mr. HOAR. After the report of the committee on style, the committee having reported, and after the Convention had voted that all vacancies should be filled by the governor, according to Mr. Madison's report of his own proceedings—

Mr. Madison, in order to prevent doubts whether resignations could be made by Senators or whether they could refuse to accept, moved to strike out the words after "vacancies" and insert the words "happening by refusal to accept, resignation, or otherwise."

Then Gouverneur Morris goes on and says:

This is absolutely necessary. Otherwise, as members chosen into the Senate are disqualified from being appointed to any office by section 9 of this article, it would be in the power of the legislature, by appointing a man Senator against his consent, to deprive the United States of his services.

For instance, a man might be appointed to the Supreme Court of the United States.

Mr. TURLEY. I understand that language of Mr. Madison was used after the committee on detail had reported.

Mr. HOAR. That is what I said.

Mr. TURLEY. And before it went to the committee on style.

Mr. HOAR. It was made on Mr. Madison's motion, not by the committee.

Mr. TURLEY. Yes; after the section was before the Convention on the report of the committee on detail.

Mr. HOAR. That is it exactly.

Mr. TURLEY. Then Mr. Madison's motion was adopted, and it went to the committee on style.

Mr. HOAR. I will ask the Senator another question, if he will permit me.

Mr. TURLEY. Certainly.

Mr. HOAR. Does the Senator think it is credible that that great change, made on this avowed motive alone, was really made for another purpose by that Convention and nobody said a word about it?

Mr. TURLEY. I will answer the question.

Mr. BEVERIDGE. May I ask the Senator from Tennessee a question?

Mr. TURLEY. Certainly.

Mr. BEVERIDGE. The Senator spoke of the language which might have been used under certain circumstances. Is not the contention of the Senator from Massachusetts correct? And if it is true that it was only intended to include those cases that came within the same class as the word "resignation," why did they not say so, since there are only four enumerated by the Senator from Tennessee, and they are very brief and to the point—death, expulsion, resignation, and refusal to serve? Why were not those inserted and named specifically, as they did the word "resignation," instead of putting in the word "otherwise?" In that connection is it not true—I do not remember about it, but my memory is a little bit refreshed—that two or three of these cases were inserted by the committee, and afterwards stricken out so as to leave the word "otherwise" to mean in any other manner? Those questions simply arise in my mind, and I think they are pertinent.

Mr. PENROSE. The Senator is correct. The word "refusal" was stricken out.

Mr. BEVERIDGE. Yes.

Mr. TURLEY. It was stricken out by the committee on style.

Mr. PENROSE. I should like to ask the Senator from Tennessee one question right here. Does he include insanity in this arbitrary definition of the causes of vacancy included in the words "resignation or otherwise?"

Mr. TURLEY. I do.

Mr. PENROSE. I recall reading in the Senator's previous speeches that he had doubt upon that question, and I wanted to know whether he had progressed in his constitutional ideas about the matter.

Mr. TURLEY. I will say I have progressed that far. When you come to the question of insanity, probably it would require an inquisition of lunacy. I mean that whenever, under the law as it exists, a Senator who held a seat in this body was properly and in a regular manner declared insane, then the seat would be vacant, just as it would by resignation or death. I will say that.

Mr. PENROSE. I remember that the Senator expressed doubt on that point in his speech upon the Corbett case. I did not know whether he adhered to that view.

Mr. TURLEY. I have advanced to that point, if I did then entertain that view.

Mr. BURROWS. As I understand the history of this matter it was this—I have the authority before me: The Convention considered many resolutions in relation to the formation of government and the creation of the Senate and filling a vacancy, and they finally referred three resolutions, Nos. 4, 11, and 22, which related to the organization of the Senate, to the committee on detail. The committee on detail made their report back to the Convention, in which they reported that vacancies may be supplied by the executive until the next meeting of the legislature.

This report was considered by the Convention in committee of the whole and was amended by the Convention, so that instead of leaving the power with the executive to fill vacancies, it was modified by the Convention so as to read:

Vacancies happening by refusals to accept—

Limiting the general power of filling vacancies—

Vacancies happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature.

The vacancy was to be filled by the legislature or the executive thereof until the next meeting of the legislature. That was as it stood when it went to the committee on detail. Then the committee on style changed it to its present form.

Mr. BEVERIDGE. If they had left that as it was, what would the word "otherwise" have meant? Suppose they had left it?

Mr. BURROWS. I think it would mean exactly what it means now, namely, other like vacancies.

Mr. TURLEY. I will answer the question of the Senator from Indiana, and then I will take up the matter adverted to by the Senator from Massachusetts, for I do think that when we consider this it sustains our view of this case.

In reply to the Senator from Indiana, I can answer him better in the language of the Senator from Wisconsin [Mr. SPOONER], who was asked a similar question in the Corbett case, or one of the debates on this question, as to why all these causes had not been enumerated.

Mr. BEVERIDGE. There are only four possible.

Mr. TURLEY. You have found insanity since, which would make five. I do not know what might happen afterwards. There are a great many ways. Concede that there are but four, or call it five. The Constitution of the United States is remarkable for one thing, and that is for its conciseness, its brevity, and its comprehensiveness; and the Senator from Wisconsin, in answer to that question, and I think it was a good answer, said that the framers of the Constitution guarded against overloading it with repetition of like expressions.

When it enumerated one, resignation, and then added the word "otherwise," if you apply the ordinary rule of construction, because the great majority of the members of the Convention were lawyers, and all of them educated men, who understood to a nicety the use of language, you will see that in the most concise and explicit form they do express the idea which otherwise would have required two or three lines to express it. That is the answer to that question.

Now I wish to come back to the question which the Senator from Massachusetts put to me, and I hope he will be back before I get through, because I want to ask him one question when I get through with this matter. Undoubtedly as this clause came from the committee on detail this appointment would have been good. Under this provision any vacancy could be supplied by the executive. No matter when it occurred and no matter how it occurred, just so there was a vacancy in existence, the executive could supply it until the next meeting of the legislature. What occurred? When that clause came up for debate in the Convention in committee of the whole, I believe—

Mr. Wilson objected to vacancies in the Senate being supplied by the executives of the States. It was unnecessary, as the legislatures will meet so frequently. It removes the appointment too far from the people, the executives in most of the States being elected by the legislatures. As he had always thought the appointment of the executive by the legislative department wrong, so it was still more so that the executive should elect into the legislative department.

Mr. Randolph thought it necessary in order to prevent inconvenient chasms in the Senate. In some States the legislatures meet but once a year. As the Senate will have more power and consist of a smaller number than the other House, vacancies there will be of more consequence. The executives might be safely trusted, he thought, with the appointment for so short a time.

Mr. ELLSWORTH. It is only said that the executive may supply vacancies. When the legislative meeting happens to be near, the power will not be exerted. As there will be but two members from a State, vacancies may be of great moment.

Mr. Williamson moved to insert after "vacancies shall be supplied by the executives" the words "unless other provisions shall be made by the legislature." Mr. Ellsworth said he "was willing to trust the legislature or the executive of a State, but not to give the former a discretion to refer appointments for the Senate to whom they pleased."

Then Mr. Madison came, with the language used by the Senator from Massachusetts:

Mr. Madison, in order to prevent doubts whether resignations could be made by Senators, or whether they could refuse to accept, moved to strike out the words after "vacancies" and insert the words "happening by refusals to accept, resignations, or otherwise, may be supplied by the legislature of the State in the representation of which such vacancies shall happen, or by the executive thereof until the next meeting of the legislature."

It will be seen that in this whole discussion there was objection to the executive having this power at all, and the idea was never once presented in the discussion of enlarging his power, of giving him a general power, of giving him a power which could be exercised again and again and over and over, but every suggestion was that it was limited, that it was confined in its scope and extent, and that it could only exist until the next meeting of the legislature.

When Mr. Madison's amendment was adopted, how did the language read? After Mr. Madison's language was adopted the clause read as follows:

The Senate of the United States shall be chosen by the legislatures of the several States. Each legislature shall choose two members. Vacancies happening by refusal to accept, resignation, or otherwise may be supplied by the legislature of the State in the representation of which such vacancies shall happen or by the executive thereof until the next meeting of the legislature.

Now, it is curious, but under Mr. Madison's amendment I still think this appointment would have been valid. Here you have the Convention considering and acting on two clauses which gave quite an unlimited power of appointment to the executive. If it had been intended to clothe the executive with the power which is now claimed for him, why was not the language left as it originally stood in one or the other of these clauses? Will any Senator

answer me the question, Why was it that the Convention deliberately, through its committee on style, adopted language which now stands in the Constitution and which conveys exactly the opposite idea upon the question from that conveyed by the clauses as reported by the committee on detail and as amended by Mr. Madison?

It is said that the committee on style had no authority to make this sort of a change in the instrument, but it is to be remembered that when the committee on style reported the instrument back it was acted on by the whole Convention. It was never a complete instrument; it was never finally adopted by the Convention until it was put in the shape in which we find it by the committee on style, and then it was adopted and signed. So it was the action of the whole Convention in changing these words and putting this limitation upon the power of the executive.

Here, under the original clauses as reported by the committee and as amended by Mr. Madison, I repeat, we had clauses which would have justified this appointment and which would give the governor the power to appoint, no matter when a vacancy occurred; but that language was deliberately changed, and his power was limited to vacancies which occurred during a recess of the legislature and was limited to the next meeting of the legislature. Now, why was that change made?

The Senator from Massachusetts asked me if there could be any reason except that given by Mr. Madison, which was that it was to remove doubts as to the rights of Senators and Representatives to resign. I have a reply to that. Let me ask two questions. Do Senators on the other side of this question maintain that the right of a Senator in this body to resign rests upon this clause of the Constitution? Do they maintain that if that amendment proposed by Mr. Madison had not been adopted in one form or the other a Senator could not resign from this body?

If they do, where do they find the right of a member of the House of Representatives to resign? If the right to resign depends upon this clause of the Constitution, then the giving of it to the Senate is impliedly, at least, a refusal of it to the members of the House of Representatives, and this construction would force you to the position that a member of the other House could not resign.

Mr. CARTER. I should like to respond briefly to the Senator's question. The question as to why this line was inserted with reference to Senators and not with reference to the members of the House seems to admit of a clear answer. The Constitution was framed over a hundred years ago. It was framed in the light of the law as it was then understood in its application to public officers and members of Parliament in Great Britain. It was believed by Mr. Madison—it had been believed and had grown up as a practice in England—that the right did not exist in a member of Parliament after election to resign his place.

That rule applied to officers in minor positions as well. It was not proposed in the particular case that members of the Senate in the first instance might not resign, nor was any word spoken in reference to resignations in the clause to which the committee on detail directed its attention, to wit, vacancies may be supplied by the executive until the next meeting of the legislature. But according to Mr. Madison's testimony, when the committee on style undertook to deal with that section they encountered the proposition whether the right would be recognized in the Federal Government for a Senator or a Representative, if you please, to resign at all.

The recognition in one case would be tantamount to a recognition in both cases. So I think it is clear that the construction must be in the light of conditions that existed at the time the instrument was framed rather than in the light of a century of usage which has grown up in this country and has modified the common law and the common usage of England in a hundred different ways aside from this.

Mr. TURLEY. I am familiar, from general reading, and especially from reading the very instructive speech of the Senator from Wisconsin on this question in the Corbett case, with the history of the law in England on the right of members of Parliament to resign. They had to apply to be made masters of the hounds or of the Chiltern Hundreds, an office not consistent with being a member of Parliament.

Mr. SPOONER. Steward.

Mr. TURLEY. Steward, or whatever it is. But what I say is this: In the first place, the framers of the Constitution, in my judgment, were not really considering how a man could get out of office or how he could resign. The great question they had before them was how to constitute the Senate and who it was that should fill these places. This expression of Mr. Madison is seized upon to give a totally different meaning to this clause from that which is imparted by the ordinary terms and words used in it.

It is said that simply because he suggested a doubt as to the power to resign, these words were put in, and hence it is that I ask the question, Do they maintain that the right of a Senator to resign depends on that? If they do, then I say again, in reply to

the Senator from Montana, that if the right to resign did not exist, expressly giving it to one is an implied withholding of it from the other on the theory of the old Latin maxim, *expressio unius est exclusio alterius*.

Suppose an act had been especially passed saying that Senators might resign, or a special clause had been put in another part of the Constitution saying that the right of Senators to resign is hereby given them; would that give it to the members of the House of Representatives? On the contrary, by every rule of construction, it would exclude members of the House of Representatives.

And now I come again to Mr. Madison. I say no matter what his ideas or views may have been, he was but one member of that Convention. Other members of that Convention may have voted for this clause because they saw that it meant what they wished to have enacted in the Constitution. Again, as to Mr. Madison, he was well skilled in all rules of construction. He knew how instruments of this kind ought to be construed; and if he intended to remove this doubt as to the power to resign, he must have also intended that the language which he inserted should be governed by the ordinary rules of construction and that the vacancies which could be filled must be those which were caused by refusal to accept, resignation, or some other like cause, because the rule by which the word "otherwise" is limited by the previous specific word applies more strongly to this amendment as fixed by Mr. Madison than it does to the clause as we now have it, because he repeated two of the same causes—refusal to accept or by resignation. He must have known and he must have intended that the only vacancies which a governor would have the right to fill were those of the like kind and like character as refusal to accept or resignation.

But, Mr. President, it does seem to me, I repeat, a proposition which can not be got over that here this clause, as it came from the committee on detail, in apt language gave almost unlimited power of appointment; and the Convention deliberately changed it when it came from the committee on style, and was finally adopted by offering the language so as to limit the power as we contend for it. Why was not the language retained as reported by the committee on detail? It would have been very easy to have done that.

Mr. CARTER. Will the Senator yield to a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. TURLEY. Certainly.

Mr. CARTER. I ask the Senator whether, in his opinion, this clause was inserted in the Constitution with a view to securing a full membership in the Senate at all times or of preventing a full membership at any time?

Mr. TURLEY. I think it was intended to secure a full membership. I have already stated that.

Mr. CARTER. Unquestionably. Then in that case, this being a debated and debatable question of construction, does not the public policy require that we should yield to the manifest purpose of the Convention in construing the language rather than resist the purpose and attempt to defeat it by construction?

Mr. TURLEY. I am glad the Senator asked me that question. I think public policy requires just exactly the opposite from what the Senator contends for. As I gather from his question, his idea is that this intention of keeping the Senate full should make us enlarge the governor's power and give him the right to appoint, no matter how derelict the legislature were in the performance of their duty. I say not. I say, Mr. President, that it is better for the country that this Senate should have many vacant seats than that we should constantly have the disgraceful legislative contests which are becoming common over the land.

I say it is far better for the welfare of our country and the safety of our Republic that every State be notified in language which can not be mistaken that its permanent representation in this body depends upon its selecting men to its legislatures who will do their duty, who will not be swayed by faction, by power, or by any other illegal or corrupt motive. It is far better that each State should understand that than that these things should be condoned by extending and enlarging the power of the governor. Let it once be understood, Mr. President, that a vacancy of this kind, where the legislature has had an opportunity to fill it, will not be filled if the legislature fails to do its duty, and the legislatures will do their duty and will fill the places.

Mr. CARTER. I will call the Senator's attention, with his permission, to a fact.

Mr. TURLEY. Certainly.

Mr. CARTER. Since the decision of the Mantle case by the Senate more difficulty has originated in the attempt to elect Senators than occurred within a generation prior to that time. So the panacea is not entirely adequate.

Mr. PENROSE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. TURLEY. Certainly.

Mr. PENROSE. If the Senator will permit me on the same point, I should like to ask him whether he does not lose sight of the absolute inability of the legislature frequently to fill a vacancy by reason of the existence of three parties, all divided and fairly and conscientiously so, rendering it impossible that any one candidate can get a majority of the whole legislature, as required by the act of Congress of 1866? Is not that inability a matter which is not the fault of the legislature and not the fault of the people of the State, but a most unfortunate occurrence, which, however, brings about a vacancy?

Mr. TURLEY. Well, I will answer both the questions.

I say to the Senator from Montana that, in my judgment, but for the adverse decisions in the Mantle case and the Corbett case we would have had many more instances of this sort than we have had. I say another thing. The belief or the impression which probably prevails that this Senate is not going to decide this question as a constitutional and legal question, but is going to decide it according to its membership, according to who it is who is making application for a seat in this body, has greatly to do with these contests. Let it once be known that, no matter what occurs, this is not a party question, that it is not a political question, that it is a constitutional question, that we are judges, and that we are going to stand by our decision, and these contests will cease.

Now, as to the three parties, it is a very rare thing. I can not recall a case where that has happened. Probably it has happened; but if you will trace out the cases where legislatures have failed to elect, it is three ambitious candidates for office, frequently in one party, nearly always in one party. It is the rarest thing—I can not recall one case now—where an honest division on party lines, with three or four parties in existence, has caused the legislature to fail to elect.

Mr. STEWART. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Tennessee yield to the Senator from Nevada?

Mr. TURLEY. Certainly.

Mr. STEWART. Will the Senator explain how we can let it be known what our policy is? Since we have been at it over a hundred years and have varied the decision almost as often as we have had occasion to decide, and there is so much established on each side, I want to know how long it will take to get a line of decisions for anybody to respect.

Mr. TURLEY. I am glad the Senator asked that question. If he will just bear with me a little while, I will show him, I think, that we have got a line of decisions right now which for seventy-five years has established a safe, reasonable, and proper principle in accordance with the ordinary meaning of the words used in this clause of the Constitution.

Mr. BURROWS. An unbroken line.

Mr. TURLEY. For seventy-five years, I will say; and when I come to the cases I am going to take the time to go over them. It will not take very long, but when I come to the cases and when I finish with them the Senator from Nevada will see that for seventy-five years no man has ever been admitted to a seat in this Senate where the legislature either before the vacancy occurred had an opportunity to fill it or had an opportunity to fill it after the vacancy occurred.

In not one single instance since the Lanman case has a Senator been admitted here where either of those conditions existed, where the legislature had the right to fill the vacancy, if it was at the beginning of a term before the vacancy happened, or where after the vacancy happened it had the right to fill the term. Never under those circumstances has a Senator been admitted since 1825; and never in the history of the Government has a Senator ever been seated on this floor where the vacancy took place when the legislature was in session.

If any Senator can point me to a single case, from the foundation of the Government up to this time, where that has occurred, I will give up this question. Never but once before was any application of that kind ever made, and that was in the Allen case, as I shall show directly; and there the vacancy occurred only nine days before the legislature adjourned. But he was refused his seat. In the case now under consideration the vacancy occurred, the legislature being in session. It remained in session sixty days thereafter. Now, never in all that time has—

Mr. SPOONER. The matter of time would not make any difference, would it?

Mr. TURLEY. Possibly it might. If a vacancy occurred the very last day of the session of the legislature, we might have a very interesting question here, one which I will say now is an abstract one, like the Senator from Wisconsin said about this being an abstract one two years ago. It may become concrete some time.

Mr. PENROSE. Mr. President, will the Senator allow me?

Mr. TURLEY. Certainly.

Mr. PENROSE. Do I understand the Senator from Tennessee to state that there has never been in the history of the Senate a

case of a Senator being seated when appointed by the governor after the legislature had an opportunity to fill the term?

Mr. TURLEY. Oh, I never said that. I said never since 1825. I said that there never had been a case where a Senator had been admitted when the vacancy occurred while the legislature was in session.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. TURLEY. Certainly.

Mr. SPOONER. In some States, of course, the duration of the term of the legislature is fixed by constitutional provision. If the legislature was to adjourn by constitutional limitation on the 4th day of March without electing a Senator, does the Senator say there would be no power in the governor to appoint?

Mr. TURLEY. Well, I can have two answers to that. I do not know, of course. That is a bridge we shall cross if we get to it. But I was going to say this to the Senator frankly—

Mr. SPOONER. If the Senator will permit me, it looks to me like a question of power, and I do not see how that question of power can depend on whether the legislature is in session two days or thirty days after the vacancy occurs. The question, to my mind, is, where the legislature happens to be in session when the vacancy occurs, but by constitutional limitation adjourns at the end of that day or at the end of the next day, whether the Senator would say that there is no power, under the Constitution, in the governor to appoint.

Mr. TURLEY. If you ask me what I say, I would say that there was no power to do it. What I meant to say was that I could see how a Senator would vote for the existence of a power in that kind of a case who would not do it in a case like this, and for this reason, that, as I construe these decisions, the cardinal principle, the great principle established in them, is that wherever the legislature has had the power and the opportunity to elect, then the governor has no power to appoint.

It might very well be said that if the vacancy, by death or resignation, or whatever the cause is, occurred at the very last moment and just before the legislature adjourned, the legislature in that case had never had the power to do it, and that the spirit of the Constitution was and is that the legislature must have an opportunity and the power to do it. That is the same principle which controlled the Senate in the Bell case. But that does not help this case. That does not bear on this case. It would be an exception. If I had my own way about it, or my own view, I would construe it strictly, and I would not admit the power; but I can see how men could differ on that and say that it was within the general spirit of the Constitution.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. TURLEY. Yes, sir.

Mr. SPOONER. If it is not agreeable to my friend—

Mr. TURLEY. Oh, it is. I am perfectly willing to yield.

Mr. SPOONER. The Senator says we should construe that clause of the Constitution strictly.

Mr. TURLEY. Oh, I say I would do it.

Mr. SPOONER. Now, what would be the Senator's construction of the word "meeting" in the clause, "the governor may appoint until the next meeting of the legislature?" In its ordinary acceptance that would be until the assembling and organization of the legislature.

Mr. TURLEY. I think, probably, if I had been in the Convention I would have voted just that way.

Mr. SPOONER. Then if the governor could not appoint while the legislature was in session there might be six months when there would be no Senator, although they might elect one before they adjourned.

Mr. TURLEY. Oh, yes.

Mr. SPOONER. And if the appointee by the governor, which of course is a temporary appointment, can only hold until the next meeting of the legislature, there might be in a great many States months where there would be no Senator, and yet before the legislature adjourned they would elect one. I call the attention of the Senator to the fact that the impossibility of placing the ordinary construction upon that word (and it is not a word of technical meaning) required in the popular interests that the Senate long, long ago should resort to a fiction of law, which they did resort to in treating the session as an entirety, in treating it so that the last day meant until the meeting, in order to prevent an interregnum when there should be no Senator from the State.

Mr. TURLEY. I appreciate that.

Mr. CULLOM. Will the Senator allow me?

The PRESIDENT pro tempore. If the Senator from Tennessee will suspend one moment, the Chair will lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. I do not desire to interrupt the Senator, but—

Mr. TURLEY. I will state to the Senator from Illinois that in going through these cases it will probably take me half an hour or three-quarters more.

Mr. CULLOM. I simply ask that the unfinished business be temporarily laid aside.

Mr. TURLEY. No; I prefer to finish to-morrow.

Mr. BURROWS. The Senator from Tennessee prefers to finish to-morrow.

Mr. TURLEY. I will let the Senator have the unfinished business taken up now.

Mr. CULLOM. The Senator can suit his own pleasure, so far as that is concerned.

Mr. TURLEY. I will retain the floor and resume it at the close of the routine business to-morrow morning, when I shall finish.

Mr. HOAR. I shall object to its being temporarily laid aside. I ask unanimous consent that this matter be postponed until to-morrow and that the unfinished business be taken up.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the election case may be taken up to-morrow morning immediately after the routine business. The Chair hears no objection.

Mr. HOAR. That it be postponed till then.

TERRITORY OF HAWAII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 222) to provide a government for the Territory of Hawaii.

Mr. CULLOM. On page 5 of the bill, line 12—I have the most recent print—I offer an amendment, to come in after the word "Naturalization" and before the word "section." I ask unanimous consent to make a few amendments in connection with the bill, and this is the first I propose.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent to present an amendment, which will be stated.

The SECRETARY. After the word "Naturalization," in line 12, on page 5, insert "Chapter 116—Bankruptcy."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. CULLOM. I desire, on page 8 of the bill, at the beginning of section 10, after the words "That all," to strike out the words "obligations, contracts," and by unanimous consent to strike out an amendment that was reported to that section and agreed to, which is not necessary in view of the latter one just offered. The first part of section 10 will then read:

That all rights of action, suits at law, etc.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent to offer an amendment, which will be stated.

The SECRETARY. After the word "all," in line 2, page 8, strike out the words "obligations, contracts, except contracts for labor entered into since August 12, 1898;" so as to read:

That all rights of action, suits at law and in equity, prosecutions, etc.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. NELSON. That is striking out an amendment we agreed to the other day.

Mr. CULLOM. It is included in the amendment which I desire to offer.

Mr. TILLMAN. I suggest to the Senator from Illinois in charge of the bill that the Senator from Connecticut [Mr. PLATT] has had an amendment pending and is very much interested in this matter, and I think it is nothing but fair to him that he should be present and see what is being done.

Mr. CULLOM. I am not reaching his amendment at all. I will reserve that.

Mr. TELLER. What amendment is the Senator on now?

Mr. CULLOM. In the same section; section 10.

Mr. CLARK of Wyoming. The tenth section, on page 8.

Mr. CULLOM. I desire to change the amendment offered by the Senator from Massachusetts, adding a few words to it in the light of—

Mr. TELLER. Will the Senator read the language as he wants to have it inserted?

Mr. CULLOM. I am going to send it to the desk. I desire to strike out the amendment on the ninth page, which is the last amendment to the section, and insert what I send to the desk.

Mr. TILLMAN. Do you mean to strike out the amendment offered by the Senator from Massachusetts?

Mr. CULLOM. It is included in this amendment, and a few words added. The Secretary will please read it.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. Strike out the amendment at the end of section 10, page 9, and insert:

That no suit or proceeding shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist instituted solely or be enforced for breach of any such contract except in a civil suit or proceeding to recover damages for such breach.

Mr. TELLER. I wish to say that that will not answer the purpose at all.

Mr. HOAR. No; there are other words, "instituted for the sole purpose."

Mr. TELLER. As I understand the Senator from South Dakota, I think he wants to present that matter. They have held that this is not a criminal proceeding, although they may send a man to jail for life.

Mr. CULLOM. This amendment is to cover that sort of a case. It is to prevent that.

Mr. PLATT of Connecticut. Let the amendment be read once more.

Mr. SPOONER. Let it be again read.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The Secretary again read the amendment.

Mr. HOAR. The clerks have it wrong or it has been handed to them wrong.

Mr. CULLOM. I presume it was my fault. I thought I had it right. I ask the Senator from Massachusetts to dictate to the clerks just what he desires.

Mr. HOAR. The words "instituted solely" should come after "proceeding."

The PRESIDENT pro tempore. The Secretary will read the amendment as modified.

The Secretary read as follows:

That no suit or proceeding shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract except in a civil suit or proceeding instituted solely to recover damages for such breach.

The PRESIDENT pro tempore. Is there objection to the amendment? The Chair hears none, and the amendment is agreed to.

Mr. TELLER. Is that all right?

Mr. CULLOM. That seems to cover all of it. Now, I desire to offer an amendment as part of section 14, to come in at the end of the section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. At the bottom of page 9, insert, as a part of section 14, the following proviso:

Provided, however, That the governor may, in his discretion, on thirty days' notice, order a special election before the first general election, if in his opinion the public interests shall require a special session of the legislature.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the amendment is agreed to.

Mr. CULLOM. In section 27, after the word "censure" in that brief section, I desire language a little different from the words contained in the bill. I offer the amendment which I send to the Chair.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In section 27, page 14, strike out the words "suspension or expulsion" and insert the words:

Or by a two-thirds vote suspend or expel a member.

Mr. CULLOM. Those are the usual words used in such cases instead of the words that are found in the section.

The PRESIDENT pro tempore. Is there any objection? The Chair hears none, and the amendment is agreed to.

Mr. SPOONER. I ask the Senator if he thinks it right to limit the power of expulsion to disorderly behavior or neglect of duty?

Mr. CULLOM. I was only correcting the words of the section as they stood in the bill.

Mr. SPOONER. Under that a man, of course, might become intoxicated and be offensive, or he might be insulting to the body, and you could expel him, or he might neglect his duty and you could expel him.

Mr. CULLOM. I think the Senator will find enough in this bill giving power to the legislature over its membership, both inside and out; I think that is all that occurs in the constitution of almost any State.

Mr. SPOONER. Is there any other provision in the bill giving power to each house to punish its members by expulsion?

Mr. CULLOM. No.

Mr. SPOONER. Why would it not be better to just take the provision of the Constitution of the United States and let it cover disorderly conduct, or let it cover bribery, or any other dishonorable transaction which ought to unfit a man for membership in such a body?

Mr. PLATT of Connecticut. The language of the Constitution is—

Mr. SPOONER. The bill of particulars here is too narrow.

Mr. CULLOM. I am willing to add to those words, but I want to use that phrase instead of the words "suspension or expulsion." The words used in the bill seemed to be rather awkward. The Senator from Connecticut was about to read the language of the Constitution.

Mr. PLATT of Connecticut. The language of the Constitution is:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Mr. CULLOM. That is this provision.

Mr. PLATT of Connecticut. Not exactly.

Mr. CULLOM. Very nearly.

Mr. TELLER. You qualify it. You limit it.

Mr. SPOONER. You limit it to disorderly behavior and neglect of duty, but that is not the limitation imposed by the Constitution of the United States.

Mr. CULLOM. How much broader is the provision of the Constitution of the United States?

Mr. PLATT of Connecticut. Why not put in, in place of the section, just the provision of the Constitution of the United States?

Mr. SPOONER. I think that would be better.

Mr. PLATT of Connecticut. It reads:

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Mr. CULLOM. That is pretty nearly this section.

Mr. SPOONER. That leaves each body to determine what is or is not adequate cause for expulsion. It may be one thing or another.

Mr. CULLOM. Send up the provision of the Constitution and let the clerks copy it.

Mr. TELLER. I should like to suggest to the Senator who has this bill in charge that in these matters it would be a great deal better plan to follow the established language of the Constitution of the United States or of some of the States. They seem to have started out upon the theory that they were to have something new in this bill. Now, this is new. Take the provision for punishment; I do not know—the legislature having punished a man—whether there will be any other power to punish him. I should say not, unless there is some provision for it. Now, take the twenty-eighth section:

That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house.

Why not follow the language of the Constitution of the United States? The words here are new words. Nobody knows what they mean, and they require interpretation, while the others have been adjudicated, and all know what they mean.

Mr. CULLOM. The truth is, as a matter of fact, that we are borrowing the language of the constitution of Hawaii.

Mr. TELLER. I am not making any complaint about that, but we are required to approve of this peculiar language in the twenty-eighth section, the section which has just been before the Senate, and in one or two others.

Mr. CULLOM. The amendment before the Senate is to the twenty-seventh section. I ask the Secretary to read the amendment.

The SECRETARY. It is proposed to strike out section 27, on page on page 14, and to insert:

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

The PRESIDENT pro tempore. The question is on the amendment striking out section 27 and inserting as a substitute what has just been read.

The amendment was agreed to.

Mr. TELLER. Now, I should like to suggest to the Senator from Illinois that we substitute the language of the Constitution of the United States for that contained in the twenty-eighth section of the bill. We all know what the language of the Constitution means, and the people of Hawaii will know what it means.

Mr. CULLOM. Let us pass over that for the present.

I desire to amend in section 54, by striking out, beginning in line 9, after the word "bills."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend, on page 21, section 54, after the word "bills," in line 9, by striking out:

And until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bill shall be deemed to have been reappropriated.

The amendment was agreed to.

Mr. CULLOM. On page 26, in section 62, after the word "representatives," in line 12, I move to strike out all the remainder of the section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend, on page 26, section 62, line 12, after the word "representatives," by striking out:

And, in addition thereto, he shall own and be possessed in his own right of real property in the Territory of the value of not less than \$1,000, and upon which legal taxes shall have been paid on that valuation for the year next

preceding the one in which such person offers to register; or shall have actually received a money income of not less than \$800 during the year next preceding the 1st day of April next preceding the date of each registration.

Mr. CULLOM. I desire those words stricken out.

Mr. PLATT of Connecticut. Have the committee agreed to that?

Mr. CULLOM. I am making that motion on my own responsibility.

Mr. PLATT of Connecticut. I have been one of those Senators who thought it was better to maintain the property qualification as a right to vote for senators, and I hope it will not be stricken out.

Mr. TILLMAN. What is the amendment now proposed?

Mr. CULLOM. It is to strike out the property qualification for voters, so that those voting for members of the house and senate will simply be required to have the educational qualification, proper age, and so forth.

Mr. TILLMAN. You have the same qualification for voters for both the members of the senate and the house of representatives?

Mr. CULLOM. Yes. The section will then read:

SEC. 62. That in order to be qualified to vote for senators a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Illinois [Mr. CULLOM]. Those in favor of the amendment will say "aye."

Mr. TILLMAN. Please wait a moment, Mr. President. I wish to suggest to the Senator that this question of qualifications for the suffrage having been discussed somewhat at length on Saturday, I felt called upon to submit a substitute for this whole provision. I did not do that in any spirit of bravado, or for the purpose of exploiting the system we have in our own State of South Carolina, but for the purpose of having the comparison made as between the methods used in the South, in my State especially, for the suppression, if you choose to use that term, of the illiterate black vote, and to show how far we went or felt willing to go, and how much we failed of going as far as this bill proposes to go.

Since the proposition is made to strike out the property qualification, I should at least like to get a vote on the amendment I offered for this reason: There is no provision in this bill for registration, except by indirection. The words are mentioned in the bill in two or three places, that men must register and that they are to have certain qualifications in order to register; but still there is no provision anywhere directing a new registration before the government of Hawaii shall begin to operate, or rather before it shall take this new form. I think it very essential to having the sense of that people to let the new Territorial government begin under a new registration and the election of a new legislature, so that we shall have the sense of the electors in the laws which they will enact.

There is a provision of the bill limiting the registration to 1902, I think—that is, no registration shall be had before 1902.

Mr. CULLOM. Nineteen hundred and three.

Mr. TILLMAN. Nineteen hundred and three. Well, I see no reason for that. I will call the Senator's attention to this fact, that in the House report—

Mr. CULLOM. If the Senator will allow me, we are very anxious to get this bill through.

Mr. TILLMAN. The Senator will not be obstructed by me in any undue manner, but I want to have a vote on the South Carolina suffrage clause as contradistinguished to the amendment which the committee have brought in to the bill as it came from the committee.

Mr. CULLOM. I have no objection.

Mr. TILLMAN. If you will give me a yea-and-nay vote, I shall be satisfied, after I have explained my amendment.

Mr. FORAKER. If the Senator will permit me, the Senator from Illinois has just said that he has no objection to his having such a vote.

Mr. TILLMAN. I want to call the attention of the Senate to the fact that in a general election held in February, 1892, the last held under the monarchy before Liliuokalani was called on to step down and out and the marines of the United States were called in to assist in upsetting the kingdom, the vote as registered was 14,217, composed as follows: Hawaiians, 9,931; Americans, 670; British, 572; Germans, 399; Portuguese, 2,232; Norwegians, 86; Swedes 26, and others, 301. After the overthrow of the monarchy, the conditions required by the so-called republic were that no one should be eligible to register and vote unless he had taken the oath of allegiance to the republic, and the vote was registered as follows:

Registered vote for constitutional convention of May, 1894, natives and half-castes 745, Hawaiians, foreign born, 184, Americans 577, British 338, Germans 226, Portuguese 1,572, others 210, a total of 3,852. We see, then, that the electorate has been reduced from 14,217 to 3,852. But, Mr. President, in the last election, September, 1897, four years after the government of the so-called republic was inaugurated, the registered vote was as follows: Hawaiians 1,126, Americans 409, British 247, Germans 189, Portuguese 612,

Norwegians 26, others 84, total 2,693 voters, constituting the so-called republic of Hawaii, a reduction of the electorate from 14,217 down to less than one-sixth.

Mr. PETTIGREW. I should like to ask the Senator if that was for members of the senate?

Mr. TILLMAN. I am giving the report of the House members of the Committee on Territories in support of the bill which they have submitted, and I am submitting these facts as having been set forth in that report.

Mr. PETTIGREW. I understand that.

Mr. TILLMAN. As to what the present conditions of suffrage are I do not know. I presume the Senator from Illinois [Mr. CULLOM] can tell us.

Mr. PETTIGREW. I should like to ask the Senator if those voters are not simply those who can vote for members of the house, and if that is the number that can also vote for members of the senate?

Mr. TILLMAN. I can not answer that unless some one will tell me whether there has ever been a property qualification heretofore in those islands—in this glorious republic—for voting for senators.

Mr. PETTIGREW. Under the republic there was a property qualification for senators about the same as that provided by the pending bill as it was reported here; but the qualifications for voting for members of the house were the same as in this bill under the so-called republic. I wish to know whether the list of voters which the Senator has read is the list of voters who could vote for house members or for senate members?

Mr. TILLMAN. I am unable to answer you. I am only giving the figures I find here of the registered voters under the monarchy and under the so-called republic, and calling attention to the fact that whereas the constitution which was framed by those who overthrew the monarchy, recognized 3,852 persons as qualified to vote, at the last election there were only 2,693, and those 2,693 voters were the men who passed the qualifying resolution ceding their territory to the United States.

Mr. LINDSAY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Kentucky?

Mr. TILLMAN. With pleasure.

Mr. LINDSAY. I ask the Senator if the paper he has there shows how many of those English, German, and Portuguese people who voted are citizens of the United States or have taken any steps to become citizens of the United States?

Mr. TILLMAN. Well, you are asking me too many conundrums. There are so many unknown quantities in this Hawaiian bill and in all things pertaining to Hawaii that I have not been able to discover; and I will have to ask the Senator from Alabama [Mr. MORGAN], or the Senator from Ohio [Mr. FORAKER], or the Senator from Illinois [Mr. CULLOM] to answer your question; I can not.

Mr. LINDSAY. I asked the question because my recollection is that many people voted under the Hawaiian constitution who were not naturalized citizens of the government of Hawaii at all.

Mr. TILLMAN. They had registered under the Hawaiian laws.

Mr. LINDSAY. Yes; but they were American citizens or German subjects.

Mr. TILLMAN. That only accentuates the point I am trying to make, which is that this electorate as now composed is so small, there have been so many votes suppressed, and there is such an absolute condition of an oligarchy having possession of those islands, that I want to call attention to the fact that there appears to be here a largely reduced electoral vote or limitation of suffrage, and so far as the senate is concerned there will be less than 2,693 men to vote for senators.

Mr. CULLOM. Will the Senator allow me a word?

Mr. TILLMAN. With pleasure.

Mr. CULLOM. I thought if we took out from the bill the property qualification and relieved the people of the islands from the prohibition to vote because they might not own property, we would settle the question of whether there would be an oligarchy there or whether there would be any disposition on the part of Congress or anybody else to interfere with those people in their right to vote on the basis of intelligence. I hope that my distinguished friend from South Carolina, as the bill is now about what we want on that score, and what he asks for, will let it go to a vote.

But to answer the Senator to the best of my ability, I will say that with all the information I have got—and this I have stated before—the estimate of the qualified voters under this bill, with the property qualification out, would be: Hawaiians, or part Hawaiians, 10,000; Portuguese, 2,300; Americans and Europeans, 3,000; but whether the British and Germans, if you please, will be content, when this bill is passed and the islands become in fact a part of the United States and under United States laws, to become naturalized citizens and stay there and vote, I do not know,

and I do not think anybody else does. We can only find that out by trying them.

Mr. TILLMAN. I still insist, Mr. President, that the South Carolina suffrage regulations are much more liberal than those in this bill, inasmuch as we only require an educational qualification, and enlarge that by allowing illiterates, who do not know how to read or write, but who pay taxes on \$300 worth of property, to vote also; and I contend that Senators can not, with any degree of fairness and consistency, get up here and attack my State for having suppressed the negro vote unconstitutionally and unduly, and in a mean, dishonest way turn around and enact a provision in the act creating the Territory of Hawaii which is less liberal than we have enacted.

Mr. CULLOM. If I may be allowed, I have not myself said a word about the Senator's State.

Mr. TILLMAN. I hope the Senator does not think I am aiming any personal shaft at him. I have no personal axe to grind in this matter. I am only standing here to advertise the fact that the State of South Carolina has disfranchised all of the colored race that it could under the thirteenth, fourteenth, and fifteenth amendments. We have done our level best; we have scratched our heads to find out how we could eliminate the last one of them, and we would have done it if we could, but we could not under the thirteenth, fourteenth, and fifteenth amendments.

Mr. CULLOM. We understand that perfectly well.

Mr. TILLMAN. Then why are we twitted with the suppression of the vote? Why are we sneered at and abused and called cheaters, ballot-box stuffers, and all that sort of thing?

Mr. CULLOM. Nobody is doing it that I know of.

Mr. TILLMAN. You did do it once, and it was insinuated here on Saturday; and I do not like it. [Laughter.]

Mr. CULLOM. I do not like it myself.

Mr. TILLMAN. Does the Senator acknowledge that he himself is ashamed of having had those slurs cast upon South Carolina?

Mr. CULLOM. I say I do not like the treatment of the colored people in that State.

Mr. TILLMAN. Why are you not treating the Kanakas just as liberally as we are treating the colored people? Why are you treating them worse than we treat the negroes?

Mr. CULLOM. We are giving them all the right to vote.

Mr. TILLMAN. Indeed you are not. You are giving it only to those who can read and write, just as we give it the colored people in our State, and in addition to that, if the negro has been sufficiently forehanded and industrious to gather \$300 worth of property together, his vote goes along with the property, giving him the right to vote for those who are to govern him.

You deny the Kanakas that privilege, and I ask you to give it to them and to the Portuguese. There will be lots of poor devils of Americans over there, possibly, who can not read and write, and who will be debarred the right of suffrage under this bill. If, however, you will accept the South Carolina provision and appoint registration officers who will use the "understanding clause" and rush them through—that elastic provision which exists in Mississippi—you may be able to register the white men there just as we have done. Does anybody object to that?

Mr. SPOONER. Mr. President, was that qualification in regard to property industriously inserted in the South Carolina constitution in order to safeguard the rights of negroes to vote who happen to have \$300—

Mr. TILLMAN. It was not put there to safeguard the rights of any man, but was intended for the colored people, simply because we could let the whites there register anyhow under the "understanding clause." We have got some little conscience down there about the negroes, Senators, though you do not seem to think so; but we have got more than you have for the Kanakas and Portuguese. I am asking you to acknowledge that, and let us alone. That is all.

Mr. SPOONER. Mr. President, I shall vote for this amendment. I am rather sorry that the Senator from South Carolina constantly insists upon our engaging here upon a discussion as to the South Carolina constitution and the question of negro suffrage in the South. We discussed that subject a great deal years ago, and many of us have opinions about it now which do not coincide with his. We have none of us been anxious to raise any sectional questions or to have any sectional discussion. I have always supposed the Senators from the South, especially in view of some things which have happened within a year, would be glad that none of us feel inclined to discuss those questions.

Mr. TILLMAN. Will the Senator please to particularize and specify?

Mr. SPOONER. I can specify. If the Senator wants debate upon this subject, when this bill shall have passed he can have it. If he wants to repeat his denunciations of the act of Congress giving colored men the right to vote, whether it was wise or unwise as matter of policy, an infamous crime—which I deny, in the light of the history of that day—he can have it.

Mr. TILLMAN. Will the Senator allow me?

Mr. SPOONER. But I think this is not the time for it nor the place for it, and I doubt if the Senator is not peculiar among all the Senators who represent the South here in desiring to discuss it. You are making your own constitution; South Carolina is enforcing her own laws. I am not saying that she has departed from the fourteenth amendment in doing so, and I do not care, for one, to discuss that now.

The Senator has said that they have sedulously attempted to exclude the negro vote; he has repeated that many times. We all know it. They do it now by a constitutional provision. They did not do it always by a constitutional provision.

Mr. TILLMAN. We could not.

Mr. SPOONER. That is a matter which is in the past. It is a disagreeable past; it is not a pleasant thing nor perhaps a profitable thing for us now to discuss. We have all been glad that the time has come in the history of this country when there is so little of sectional animosity and so little of sectional questions to be debated in the Senate, and I am not a little surprised, Mr. President, it should rest with a Southern Senator to constantly pro-trude or interject this question into the Senate.

I am not complaining of the Senator from South Carolina. I like him; I admire his frank, manly, and direct methods; I recognize his ability. I may be mentally dull, but I am unable to see how the question of South Carolina's action in relation to the suffrage is involved in this Hawaiian bill.

Mr. TILLMAN. Will the Senator allow me to enlighten him?

Mr. SPOONER. This is a proposition to confer suffrage by the laws of the United States upon the people of Hawaii. It is not a proposition at all to disfranchise those who already have the right to vote, and I should suppose the Senator from South Carolina would be glad—I am, at least—that the Senator having this bill in charge offers this amendment.

I do not like the property qualification. I do not like a property qualification. There is philosophy and reason, Mr. President, oftentimes in an educational qualification, but there is nothing of manhood suffrage in a property qualification. It may well be said that in some parts of the country men only should vote who are able to read and write. It can hardly be maintained that a man should be permitted to vote who can not read and write, but happens to own so much property. Manhood suffrage is one thing; dollar suffrage is another.

I do not know what will be the policy of the United States—the compulsory policy of the United States—in dealing generally with this question in what are called "the island possessions." It is a new question to us; there are new conditions; there are different people from any with whom we have had to deal before. But one thing stands out plain here as to Hawaii—admitted here as to Hawaii—and that is that the natives there, who will vote under this bill as it is proposed to amend it, are men who can read and write; they were born there; that was their kingdom when it was a kingdom; it was their republic when it was a republic. It is a part of this country now, Mr. President; and I shall not vote, if I can help it, for any proposition which gives intelligent men no right to vote unless, in addition to intelligence, they own property.

My friend from South Carolina must pardon me. I am not reading him any lecture; I am not quarreling with him. I clearly recognize the difficulties of the situation of his people. I recognized it long ago; but with all he can say there is a wrong down there yet to be righted, and it does not impeach in any way, either, the thought in my mind—the right of South Carolina under the constitutional amendments to disfranchise in a uniform and constitutional way those whom she thinks the public interests require should be disfranchised. But I do not wish to enter into that question now. I hope we can get along without entering into it at all. I am tired of these questions. We laid aside the bloody shirt. Why can not the Senator? Why not let the past, so far as we can as honorable men do it, bury its own dead?

I shall vote for the amendment proposed by the Senator from Illinois. I shall not vote to base the privilege of any man to vote upon the ownership of property.

Mr. TILLMAN. Mr. President, my sole purpose in bringing up this issue is to make it perfectly plain that the Republican party of to-day is not the Republican party of thirty-five years ago. The Senator from Wisconsin, who is one of the broadest and most liberal minded men in this Chamber, and a man whom I like personally as well as any other—he shall not outdo me in complimentary personal allusions, because he can not—says that there is no sectionalism left, that the bloody shirt has been buried, and that he and others are willing to leave it in its grave.

Mr. SPOONER. We have buried it.

Mr. TILLMAN. Let us see about that. I have introduced a bill, which was referred to the Pension Committee, asking that section 4716 of the Revised Statutes, which declares in terms that no man who gave aid or comfort to the rebellion, or anybody connected with him, either as father or as child, shall be pensioned. That statute stands on your books, and is to-day a bar against men who have served in the recent war and who have fought under the

flag. If sectionalism is dead, why does not that committee bring in that bill here with a favorable report and let us strike the act from the statutes? If the war is not over—

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. I hope the Senator from New Hampshire does not suppose I am attempting to bulldoze him or his committee. I would not have alluded to this, but I have been charged with waving the bloody shirt, when you have on your statute books an act which says that Confederate soldiers or anybody connected with or kin to them shall not draw a pension; and still you know that the Southern people are paying forty millions a year pension tribute to the men who conquered them.

Mr. GALLINGER. The Senator will permit me. I am not exercised about my being bulldozed or my committee being bulldozed, but I hope the Senator will restrain his soul in patience. That bill came to our committee a little while ago. We have fifteen hundred private pension bills and forty-eight general pension bills. We are doing the best we can with them. We are working days and nights and Sundays over them. I have tried to take care of some of the Senator's bills.

Mr. TILLMAN. The Senator has been very kind and courteous.

Mr. GALLINGER. This bill is being considered by the committee, and in due time a report will be made on it. Whether it will be favorable or unfavorable depends upon circumstances, but the Senator shall have his day in court on that bill. It will have fair consideration. I will guarantee the Senator that.

Mr. TILLMAN. I thank the Senator. I did not expect anything less than that, but for the purposes of my argument, in this general way of resurrecting the bloody shirt for a few moments before we finally lay it away forever, I want to call attention to the remarkable change that has come over the spirit of the dream of the Republicans; to remind you gentlemen from the North that your slogans of the past—brotherhood of man and the fatherhood of God—have gone glimmering down the ages. The brotherhood of man exists no longer, because you shoot negroes in Illinois, when they come in competition with your labor, as we shoot them in South Carolina when they come in competition with us in the matter of elections. You do not love them any better than we do. You used to pretend that you did, but you no longer pretend it, except to get their votes. That is what I am trying to bring out here prominently and accent it as far as I am able in my feeble way.

You deal with the Filipinos just as we deal with the negroes, only you treat them a heap worse. You deal with the Puerto Ricans, or you propose to deal with the Puerto Ricans, just as we deal with the negroes, only you treat them a heap worse. I simply want to remind you gentlemen that you are under bond to your consciences and your past record to do certain things, and if it be said that it does not lie in my mouth, as a man from the South, to stand up here and proclaim that, that we do not do it, and that therefore I am a hypocrite in my pretense of endeavoring to have these colored races treated right, I will tell you that this is the difference: We of the South have never made any pretense of considering the negroes our equals or as being fit for suffrage. We fought to keep them slaves and protested against their enfranchisement. You of the North contended that they were equal to white men and should have all the rights of citizens, and you framed the three amendments to carry it into effect. There is no inconsistency in our reminding you of these things and calling attention to your change of attitude toward the colored races. You have changed; we have not, except on the subject of slavery. No one in the South would consent to its restoration.

In the past I and those whom I represent have felt constrained to do certain things because of the reconstruction devilment which we were not willing to do, but we were forced to do. I would not have brought this matter up if the Senator from Colorado had not twitted me the other evening with suppressing the colored vote, even at this late day, when any man who wants to inform himself can see that the negro can register if he can comply with the constitution of South Carolina just as freely as anybody else, and can vote just as freely, and have his vote counted.

The Senator from Wisconsin said a while ago that the thirteenth, fourteenth, and fifteenth amendments and the reconstruction acts were passed under duress and under the dictates of conscience. I do not doubt that. I do not doubt that those who voted for the amendments and the reconstruction acts felt constrained to do it for their sense of obligation to the ex-slaves. Possibly it was necessary to do it. I want to call the attention of Senators, and of the country, too—

Mr. SPOONER. I did not say that.

Mr. TILLMAN. You said so a moment ago. I misunderstood you if you did not.

Mr. SPOONER. I did not say that the amendments were passed under duress.

Mr. TILLMAN. No? They were passed under duress, however, because we in the South were forced to swallow them in order to get back into the Union. Otherwise the amendments would not have received the two-thirds vote.

Mr. SPOONER. I do not object to the Senator saying they were passed under duress. What I object to is his imputing that remark to me. I did not say that, or I do not think I did.

Mr. TILLMAN. I did not intend to misquote the Senator in the slightest degree—

Mr. SPOONER. I know that.

Mr. TILLMAN. And I do not propose to misrepresent him.

Mr. SPOONER. I know that.

Mr. TILLMAN. I understood you to say that if I wanted to bring up the whole issue and debate it as to the advisability or necessity of the thirteenth, fourteenth, and fifteenth amendments, you were ready to do it. I do not want to do it. I am willing and ready to let the dead past bury its dead if you will bury it and let it alone and let us alone. That is what I propose. But you will not let us alone. You are continually bringing the race issue into every kind of proposition, to sneer at and abuse the Southern people.

Mr. SPOONER. The trouble with the Senator from South Carolina is that he will not let us let him alone. [Laughter.]

Mr. TILLMAN. An honest confession is good for the soul, and when I get gentlemen in a position where I have them on one or the other prongs of a dilemma—on the prongs of my pitchfork—I do not care which side they take, and I have got them right there. I like to drive it home to you, do you know? [Laughter.] You either were in error in regard to the colored races then or you are wrong now. You may be honest in both cases, because you have learned something; but if you have learned, why do you not acknowledge it? That is all I am asking.

Do you realize the difficulties under which the Southern people labor? Do you recognize the fact that the colored race, even when it has been educated to a limited degree, is still unfit for suffrage, for the simple reason that the negroes do not possess that moral character and that moral fiber which are necessary to good citizenship? Even when in some degree equal to that of the lower strata of whites they are still not fit to vote, for this reason: They are always led off by their preachers and others; they are the natural prey of the demagogues, and they are bribable, whether they have the franchise by virtue of intelligence or of manhood suffrage.

Mr. FORAKER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. FORAKER. I thought the Senator from South Carolina had concluded. I wanted to ask to have a document printed.

Mr. TILLMAN. The Senator must be very anxious for me to get through. He must not like this.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I yield.

Mr. FORAKER. I think I like it as well as anybody else in the Chamber. If there is any comfort to the Senator in that remark, he is entirely welcome to it.

Mr. TILLMAN. It is a very nice compliment, considering that you have a very large Republican majority here and that very few of you seem to be willing to take up the gage I have thrown down.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. I yield with pleasure.

Mr. FORAKER. I would not have interrupted the Senator, but I thought he was about to take his seat.

Mr. President, I present a letter from Mr. Carlos Soler, together with a petition for the adoption of certain changes in the by-laws of the Banco Español de Puerto Rico. I move that the letter and accompanying papers be printed as a document and referred to the Committee on Pacific Islands and Puerto Rico.

The motion was agreed to.

Mr. TILLMAN. I have only a few more words to say and then I will let the Senate vote on this proposition.

I have exhumed the bloody shirt for a brief moment and am waving it like a red flag to a bull and the latter will not fight or budge, and I will call the attention of my friends from the North—I have a great many on that side, I am proud to say—to the fact that they do not know yet, and never will know until they come South and live with us, just what we have had to contend against and just what we have to contend against even now. They do not realize it; they can not realize it; and it is for the purpose of trying to have them study this question of race a little more and analyze it that I have attempted, in my feeble way, to intrude on this body for the brief remarks I have made on this subject.

I will tell you, while I am talking about negro suffrage, why they are so dangerous as voters. In any State where the whites divide—and they have divided in every Southern State except mine and Mississippi—into Populists and Democrats the negro

has been the balance of power, through which one side or the other has controlled the elections by means of bribery, for the negro voter was a purchasable one.

Therefore we have been confronted by the condition of a large, ignorant debased vote, thrust upon us by the fourteenth and fifteenth amendments. Other States, not so peculiarly situated as mine, have retained that negro vote. They have taken no steps looking to its elimination by educational qualification or any other system. That vote to-day stands as a menace to the freedom, to the purity of the ballot box, to the purity and honesty of elections, to the decency of government, and it is there forever until there is a constitutional provision made here which will relieve us from it.

I must be glad to see an education qualification throughout the North. I believe no man is fit to be an elector unless he is able to read and write and understand something about government and its great principles. But who hopes to see that? No party at the North will dare to undertake to limit suffrage in that way, because it would mean at the first election that the vote which they dread would go to the other party and they would be beaten, and the demagogues in both parties would plead that you must have equality of manhood without regard to patriotism or intelligence or decency or ability or any other qualification which makes a man fit to vote.

You gentlemen are face to face with a problem here in the government of these new islands which should make you pause, whether it does or not. You have committed yourself to the doctrine of the equality of man. You have brought this country to it through blood, and the lives of half a million men were lost to test it; millions of treasure were spent to test it, and yet, in thirty years, have you reached any solution? No. You yourselves are unwilling to attempt to give these people any modicum of self-government or the least possible say so in it; and yet to-day we have men in the North, men in this Chamber, men in the other House, who never omit an opportunity to charge the Southern people with unfairness and dishonesty and ballot-box stuffing and fraud and force.

Let me tell you how we were situated in our State. We had a hundred and twenty-five thousand negroes of voting age and we had a hundred thousand whites. Now, can you lift yourselves over the fence with your boot straps and beat that by honest methods? Yet you stood up here and insisted that we must give these people a "free vote and a fair count." They had it for eight years, as long as the bayonets stood there, and in 1876 they sent more bayonets, because we had got the devil in us by that time and we did not care whether we had any government. We preferred to have a United States Army officer rather than a government by carpetbaggers and thieves and scallywags and scoundrels, who had stolen everything in sight and had mortgaged posterity; who had run their felonious paws into the pockets of posterity by issuing bonds.

When that happened, we took the government away. We stuffed ballot boxes. We shot them. We are not ashamed of it. The Senator from Wisconsin would have done the same thing. I see it in his eye right now. He would have done it. With that system—force, tissue ballots, and so forth—we got tired ourselves. So we called a constitutional convention, and we eliminated, as I said, all of the colored people whom we could under the fourteenth and fifteenth amendments.

You gentlemen say you are satisfied with that. If you are satisfied we are; but don't any of you get up here any more and twit me with South Carolina suppressing the colored vote, because we are all Democrats and voted in the primaries in August, but when the election comes we do not turn out. I wish the Senator from Colorado [Mr. WOLCOTT] was here. He brought this matter up. He illustrated a point, I suppose, or thought he was illustrating it, by the paucity of our vote. He is not here. I had a rod in pickle for him, but I do not care to strike him in his absence. I think I will leave the matter alone for the present, and if nobody again bothers my State, I will bother nobody.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent for the consideration of an amendment, which will be stated.

The SECRETARY. After the word "representatives," in line 11, section 62, page 26, it is proposed to strike out the remainder of the section.

The PRESIDENT pro tempore. The amendment will be agreed to, if there be no objection.

Mr. PLATT of Connecticut. I object. I would rather that there should be a vote.

Mr. CULLOM. I ask for a vote, Mr. President.

The PRESIDENT pro tempore proceeded to put the question.

Mr. CULLOM. I hope the Senate will vote on this amendment.

Mr. SPOONER. What is it?

Mr. CULLOM. To strike out the property clause.

Mr. TELLER. What is it?

Mr. CULLOM. It strikes out the property clause.

Mr. TILLMAN. I should like to have the yeas and nays. Let us see who is willing to limit suffrage to those owning a thousand dollars' worth of real estate.

The PRESIDENT pro tempore. The proposed amendment will be once more stated to the Senate.

The SECRETARY. After the word "representatives," in line 11, on page 26, section 62, it is proposed to strike out the following:

And, in addition thereto, he shall own and be possessed in his own right of real property in the Territory of the value of not less than \$1,000, and upon which legal taxes shall have been paid on that valuation for the year next preceding the one in which such person offers to register; or shall have actually received a money income of not less than \$600 during the year next preceding the 1st day of April next preceding the date of each registration.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, which has been stated, upon which the Senator from South Carolina demands the yeas and nays.

Mr. TILLMAN. I should like to hear the words that are to be stricken out.

The PRESIDENT pro tempore. What has been read just this moment is to be stricken out.

Mr. TELLER. The whole section?

Mr. TILLMAN. The whole section?

Mr. CULLOM. The whole section, with the exception of what I will now read, by leave of the Senate:

SEC. 62. That in order to be qualified to vote for senators a person must possess all the qualifications and be subject to all the conditions required by this act of voters for representatives.

The remainder of the section goes out.

Mr. BATE. Pardon me. What are the qualifications of representatives?

Mr. CULLOM. Intelligence—ability to speak, read, and write the English language.

Mr. BATE. There is no property qualification?

Mr. CULLOM. None whatever.

Mr. TILLMAN. In the House bill there is a provision which describes the qualifications for electors for both houses without having one for the house and another for the senate. It is much simpler. That can be arranged in conference, however.

Mr. CULLOM. It is as simple as it can be.

The PRESIDENT pro tempore. Does the Senator from South Carolina ask for the yeas and nays?

Mr. TILLMAN. I should like to see who in this House will vote for a property qualification, if the Senate will give me that privilege.

Mr. BATE. I do not understand this to be a property qualification, but the reverse of it. I am against the property qualification. I am rather extreme in this regard. I believe a man should have a right to vote if he can be made to muster or if he can be forced to sit on a jury or to work on a road against his will or be drafted in the Army. That is the man we look to, and I believe he should have a right to vote.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Illinois, upon which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I am paired with the junior Senator from Massachusetts [Mr. LODGE]. If he were present, I should vote "yea."

Mr. FRYE (when his name was called). I am paired with the junior Senator from Arkansas [Mr. BERRY].

Mr. McBRIDE (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY]. As he is not present, I withhold my vote.

Mr. McLAURIN (when his name was called). I am paired with the Senator from North Carolina [Mr. PRITCHARD]. I am sure he would vote "yea" if he were here, and I will vote. I vote "yea."

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. GEAR].

Mr. PENROSE (when his name was called). I have a general pair with the Senator from Delaware [Mr. KENNEY], who is absent. If he were present, I should vote "yea."

Mr. QUARLES (when his name was called). I have a general pair with the Senator from Texas [Mr. CULBERSON]. If he were here, I should vote "yea."

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. TURLEY], who is absent from the Chamber. I am told that if present he would vote "yea." I will therefore vote. I vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT].

Mr. THURSTON (when his name was called). My colleague [Mr. ALLEN] is absent in the West on important matters, and during his absence I am paired with him generally; but I am satisfied he would vote "yea" on this motion, and I will therefore exercise my privilege and will vote. I vote "yea."

Mr. BATE (when Mr. TURLEY's name was called). My colleague [Mr. TURLEY] is in attendance upon the Committee on Privileges and Elections. If he were here, he would vote "yea."

Mr. VEST (when his name was called). I am paired with the Senator from Minnesota [Mr. NELSON]. I do not think he has voted. I believe, however, he would vote "yea." I will vote. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Washington [Mr. TURNER]. I do not know how he would vote. If I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. McMILLAN. I am paired with the Senator from Kentucky [Mr. LINDSAY]. As he has not voted I will withhold my vote.

Mr. PETTUS. I have a general pair with the senior Senator from Massachusetts [Mr. HOAR]. I do not know whether or not he has voted.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Chair is informed that the Senator from Massachusetts has not voted.

Mr. PETTUS. Then I must not vote. If I had the right to vote, I should vote "yea."

The result was announced—yeas 39, nays 1; as follows:

YEAS—39.

Allison,	Foraker,	McCumber,	Simon,
Bacon,	Foster,	McLaurin,	Spooner,
Bate,	Gallinger,	Martin,	Stewart,
Carter,	Hanna,	Mason,	Sullivan,
Chilton,	Hansbrough,	Perkins,	Teller,
Cockrell,	Hawley,	Pettigrew,	Thurston,
Cullom,	Heitfeld,	Platt, N. Y.	Tillman,
Davis,	Kean,	Rawlins,	Vest,
Deboe,	Kyle,	Ross,	Wetmore.
Fairbanks,	McComas,	Sewell,	

NAYS—1.

Platt, Conn.

NOT VOTING—48.

Aldrich,	Culberson,	Lindsay,	Proctor,
Allen,	Daniel,	Lodge,	Quarles,
Baker,	Depew,	McBride,	Scott,
Berry,	Elkins,	McEnery,	Shoup,
Beveridge,	Frye,	McMillan,	Taliaferro,
Burrows,	Gear,	Mallory,	Turley,
Butler,	Hale,	Money,	Turner,
Caffery,	Harris,	Morgan,	Warren,
Chandler,	Hoar,	Nelson,	Wellington,
Clark, Mont.	Jones, Ark.	Penrose,	Wolcott.
Clark, Wyo.	Jones, Nev.	Pettus,	
Clay,	Kenney,	Pritchard,	

The PRESIDING OFFICER. No quorum has voted. The Secretary will call the roll.

Mr. CLAY. I will vote to make a quorum.

Mr. COCKRELL. Call the roll.

Mr. CULLOM. Call the roll.

The PRESIDING OFFICER. The Chair will inform the Senator from Georgia that it is too late now. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon,	Fairbanks,	McCumber,	Scott,
Bate,	Foraker,	McLaurin,	Sewell,
Butler,	Foster,	McMillan,	Shoup,
Carter,	Frye,	Martin,	Simon,
Chilton,	Gallinger,	Mason,	Spooner,
Clark, Wyo.	Hanna,	Morgan,	Stewart,
Clay,	Hansbrough,	Penrose,	Sullivan,
Cockrell,	Hawley,	Pettigrew,	Taliaferro,
Culberson,	Heitfeld,	Platt, Conn.	Teller,
Cullom,	Jones, Nev.	Platt, N. Y.	Thurston,
Daniel,	Kean,	Quarles,	Tillman,
Davis,	Kyle,	Rawlins,	Vest,
Deboe,	McBride,	Ross,	Warren,
Elkins,	McComas,		Wetmore.

The PRESIDENT pro tempore. In answer to the roll call 56 Senators have responded. There is a quorum present.

Mr. TILLMAN. I am satisfied in regard to the yeas and nays, and I withdraw the demand.

The PRESIDENT pro tempore. The Senator from South Carolina withdraws the demand for the yeas and nays. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CULLOM. The amendment offered by the Senator from Connecticut in reference to the appointment of judges is pending. I hope that will be taken up for consideration. I desire to say while I am on my feet that I have determined, so far as I am personally concerned, to make no objection to the adoption of the amendment. I wish to add a slight amendment to the amendment, and I will call the attention of the Senator from Connecticut to it:

That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court and judges of the circuit courts.

After the word "courts" I wish to add:

Who shall hold their respective offices for four years, unless sooner removed by the President.

Then it goes on:

And the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, etc.

Mr. PLATT of Connecticut. There is no objection to that. I supposed it was included on the next page, in line 7, but there is no objection to having it in both places.

Mr. CULLOM. Is it included there?

Mr. PLATT of Connecticut. There may be a question whether it is included there or not.

Mr. CULLOM. I think it is a little doubtful whether it is included there.

Mr. SPOONER. I think the Senator from Connecticut will conclude that the next page refers only to appointees of the governor.

Mr. PLATT of Connecticut. That is possible. I supposed it referred to all of them, because the original language was that all except the chief justice and associate justices of the supreme court should hold office during good behavior. That, you think, might apply to all of them, and there is no objection to having the language where it is suggested by the Senator from Illinois.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment, or sundry amendments, all, however, looking to the same end. Shall they be treated as one amendment?

Mr. CULLOM. I think they ought to be regarded as one amendment.

Mr. PLATT of Connecticut. They have been so considered in the discussion.

The PRESIDENT pro tempore. Without objection, they will be treated as one amendment. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment was agreed to.

Mr. PERKINS. Mr. President, I propose the following amendment—

Mr. CULLOM. If I may be allowed to proceed, I desire to strike out—

The PRESIDENT pro tempore. The Senator from California has offered an amendment.

Mr. CULLOM. Oh, excuse me.

Mr. PERKINS. I trust the Senator from Illinois, after hearing this amendment read, will accept it.

The PRESIDENT pro tempore. The amendment of the Senator from California will be stated.

The SECRETARY. Amend by adding at the end of section 100 the following:

And the coasting trade between the islands aforesaid and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts.

The amendment was agreed to.

Mr. HANSBROUGH. Mr. President—

Mr. CULLOM. Allow me to offer an amendment.

Mr. HANSBROUGH. I yield to the Senator from Illinois.

Mr. CULLOM. I desire to strike out of the bill all of section 86 in reference to impeachment, etc. Those provisions of the bill providing for impeaching a supreme court judge go out of the bill as a result of the fact that the judges of the supreme court and circuit courts are to be appointed by the President and will be subject to removal.

The PRESIDENT pro tempore. The Senator from Illinois moves an amendment to strike out the whole of section 86 relating to impeachment.

Mr. CLARK of Wyoming. I call the attention of the Senator to the same provision, which is in section 81 on page 38, as it is left in the bill:

Except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only.

Mr. CULLOM. I thought that was out.

Mr. CLARK of Wyoming. No; it is in the reprinted bill, page 38, lines 4, 5, and 6.

Mr. CULLOM. These lines ought to go out. I am referring to section 86.

The PRESIDENT pro tempore. The question is on agreeing to the amendment striking out section 86.

The amendment was agreed to.

The PRESIDENT pro tempore. What is the next amendment?

Mr. CULLOM. On page 38 of the new print, section 81, the words in lines 4, 5, and 6.

Mr. PLATT of Connecticut. After the word "officers."

Mr. CULLOM. After the word "officers." I move to strike out:

Except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only.

Those words ought to go out.

The PRESIDENT pro tempore. The Secretary will read the proposed amendment.

The SECRETARY. After the word "officers," line 4, page 38, strike out the following:

Except the chief justice and justices of the supreme court and the judges of the circuit courts, who shall be removable by impeachment only.

The amendment was agreed to.

Mr. HANSBROUGH. I offer an amendment to come in after the word "lands," in line 6, page 35, of the new print.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "lands," line 6, page 35, insert:
Including the selling, granting, leasing, or other disposition of the public domain and agreements or franchises concerning the same granted by the Hawaiian government prior to the 11th day of September, 1899, and subsequent to the 12th day of August, 1898.

The amendment was agreed to.

Mr. HANSBROUGH. I move to strike out on page 33 of the new print of the bill all that portion appearing in italics, or, in other words, the committee amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out on page 33, line 2, after the word "provide," the committee amendment, as follows:

That all sales, grants, leases, and other disposition of the public domain and agreements concerning the same and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii prior to the 11th day of September, 1899, are hereby ratified and confirmed.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the amendment hitherto adopted may be stricken out.

Mr. CULLOM. Mr. President, I wish to say just one word. This matter of the exact legislation that ought to be enacted in connection with these lands over there is very important to those people. I desire to say that I have been trying to-day to get a definite statement from the Interior Department. I have not yet received it.

I will consent to the adoption of the amendment offered by the Senator from North Dakota with the understanding that when this bill gets into conference I desire to be tolerably careful in determining the sort of legislation we ought to enact in reference to those lands, and if I find on consultation with the Secretary of the Interior and the Commissioner of the General Land Office that a different phrase or different provision should be enacted, I will take the liberty of trying to change it the best I can. I want to be perfectly frank with the Senator from North Dakota and with the Senate on that question.

Mr. TELLER. May I interrupt the Senator from Illinois?

Mr. CULLOM. Certainly.

Mr. TELLER. I suggest, then, if the Senator wants to reserve that right, that he had better prepare some amendment here—something that will allow it to be amended in conference by striking out some part.

Mr. CULLOM. The amendment of the Senator from North Dakota proposes to strike out the amendment which the Senate has adopted, and that gives us the liberty to change it.

Mr. ALLISON. It will if you leave the amendment in.

Mr. GALLINGER. If the amendment is left in, it may be changed. If it goes out, there will be nothing for the conference to act upon.

Mr. TELLER. Put in something there to hang the amendment on.

Mr. CULLOM. Then I hope the Senator from North Dakota will allow the amendment to remain. I want to say to him that I wish to do exactly what is best for those people and for the Land Office of the United States. Whatever is the best policy to pursue to protect the lands, and at the same time not tie up those people over there for a year or two, I should be glad to adopt. I do not want, however, to adopt a policy with reference to those lands that will result in their not being able to settle upon those lands or lease those lands or take homesteads or anything else until this session has gone by and a commissioner has gone over and investigated and reported to some future Congress, because it would be nearly two years, perhaps, in that case before they would be able to do anything. I want to avoid that if I can consistently with the best interests of the people there.

Mr. HANSBROUGH. Mr. President, we have just adopted an amendment to the bill which covers the language contained in this committee amendment; and we instruct the Secretary of the Interior to investigate, by a special agent or otherwise, as he may see fit, the leasing, the selling, or other disposition of the public domain in Hawaii.

Now, then, if we empower the Secretary of the Interior to make an investigation we certainly do not want to confirm the very things that have been done by the government of Hawaii that caused the President of the United States to issue a proclamation on the 11th day of September of last year. I think in this connection that proclamation should be included in the RECORD. I will send it to the desk to have it read. It may be of guidance to the committee of conference hereafter.

Mr. ALLISON. I ask the Senator from North Dakota to yield to me for a moment.

Mr. HANSBROUGH. I yield to the Senator from Iowa.

Mr. ALLISON. I wish to suggest to the Senator from Illinois having charge of the bill that as respects conferences on any provision in the bill there can be no conference if the House agree to

the phraseology as now inserted in the Senate, because this is a Senate bill. If they pass the bill without amendment, it becomes a law. If they do not change this section, I do not see very well how conferences respecting differences between the two Houses can reach the section. So I think it is rather important to put the section in proper shape now.

Mr. CULLOM. Of course if the House agrees to what the Senate adopts, that is the end of the question.

Mr. ALLISON. When the amendment of the Senator from North Dakota is adopted here, it goes to the House as a part of the text of the bill, and the House will look at the whole text and make some changes then.

Mr. HANSBROUGH. I propose to strike out the committee amendment, as I think the Senator from Iowa understands, the Senate having inserted the same language in another part of the bill.

Mr. ALLISON. I agree it is wise to do that; for if the Senate did not do it, there would be two provisions having precisely the same effect in one section of the bill.

Mr. HANSBROUGH. That is just what I am trying to obviate.

Mr. CULLOM. Will the Senator from North Dakota allow me to interrupt him?

Mr. HANSBROUGH. Certainly.

Mr. CULLOM. My desire is that the bill shall be so formed, so far as the land question is concerned, as to be as nearly in harmony with the judgment of our Land Office here as we can get it. I would be very glad if this could remain a little while undisposed of, until I see whether in the course of half an hour or so I do not hear from the Commissioner of the General Land Office. I do not think it is safe to tie up all the land over there so that it will be after this session is over, and some time during the next, a year from now, before we get anything at all done in dealing with the lands there. I think the Senator ought to allow either the Senate bill to stand as we have it, or so consent to the bill as that it will not throw the whole subject into the hands of the Secretary of the Interior to be disposed of a year and a half hence before they can be prepared to do anything at all.

Mr. HANSBROUGH. I do not believe that the effect of the amendment which I have proposed, and of one other that I hope to be able to propose, will be as the Senator from Illinois fears it will be.

The PRESIDENT pro tempore. Is there objection to striking out the amendment of the committee on page 33?

Mr. HANSBROUGH. I hope that the proclamation of the President will be read.

Mr. GALLINGER. Let it go in the RECORD without being read.

Mr. HANSBROUGH. It is brief and I want to have it read.

The PRESIDENT pro tempore. The proclamation will be read. The Secretary read as follows:

[Hawaii—Public lands.]

By the President of the United States of America. Executive order.
The President of the United States hereby directs that all proceedings taken or pending for the sale or disposition of the public lands in the Hawaiian Islands shall be discontinued; and that if any sales or agreements for sale of said public lands have been made since the adoption of the resolution of annexation, the purchasers shall be notified that the same are null and void, and any consideration paid to the local authorities on account thereof shall be refunded.

In witness whereof I have caused the seal of the United States to be hereunto affixed. Washington, September 11, 1899.

[SEAL.]

WILLIAM MCKINLEY.

By the President:

ALVEY A. ADEE,
Acting Secretary of State.

Mr. HANSBROUGH. The President of the United States certainly had some good reason for issuing this proclamation only four or five months ago, but it is proposed by this bill to ratify and confirm the very sales and leases of lands which the President says shall not be confirmed. That is a very good reason, I think, why this amendment should go out.

Mr. CULLOM. May I interrupt the Senator from North Dakota?

Mr. HANSBROUGH. Certainly.

Mr. CULLOM. Some of the transactions which were entered into in Hawaii were for homesteads in those islands. I know of five or six transactions where young men are proposing to go there, and there are several now there trying to make homesteads of 100 acres of land up beside the mountains on the Hawaiian Islands. Those transactions are held up by this proclamation of the President. The House committee, if I may be allowed to refer to the House, went over all the transactions that had taken place there between the dates referred to by the President, and reported a provision affirming all the transactions which had taken place.

Now, I do not know whether it is right or not, but I do not want the bill to get in such shape as that, because of that holding up on the part of the President, we shall hold up all the transactions for the next year and a half, so that they can do nothing in trading in land, giving homesteads, or anything else, until we hear from the Secretary of the Interior, and afterwards act on the subject by Congress itself at a future session.

Mr. HANSBROUGH. I do not believe that the amendment has the effect ascribed to it by the Senator from Illinois.

Mr. TELLER. I should like to suggest to the Senator from Illinois that he can accomplish what he wants by providing that the executive department may ratify these transactions if they find them proper.

Mr. CULLOM. I am willing that that sort of an amendment should be made.

Mr. TELLER. I think that might be done without any danger.

Mr. HANSBROUGH. I have no objection to that modification.

Mr. STEWART. Let the amendment be read again.

Mr. HANSBROUGH. Now, it is suggested that the President of the United States be given authority, if in his discretion he thinks it is a proper thing to do, to ratify and confirm these sales, etc., and I say that I am willing to accept that.

Mr. CULLOM. And any future ones that may be made under his direction or permission.

Mr. HANSBROUGH. I am perfectly willing to give him that authority.

Mr. CULLOM. That will give those people an opportunity to live and do business. That is all I am trying to secure.

The PRESIDENT pro tempore. There is really no motion pending. The Senator from North Dakota asks unanimous consent that an amendment the other day adopted by the Senate as in Committee of the Whole might be rejected.

Mr. HALE. He asked a vote on it.

Mr. CULLOM. I have no objection to that amendment going out, provided I can get an addition to the amendment proposed by the Senator from North Dakota that we acted upon a while ago, that the President of the United States shall have the power of doing that.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and the amendment goes out.

Mr. CULLOM (to Mr. HANSBROUGH). Now offer your other amendment.

Mr. HANSBROUGH. Now I propose the amendment in this form:

That all sales, grants, leases, and other disposition of the public domain and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii prior to the 11th day of September, 1899, may be ratified and confirmed by the President of the United States.

Will that answer the purpose of the Senator from Illinois?

Mr. CULLOM. As far as it goes; but if you will add now that any future transactions in any real estate by the Land Office or whoever has the authority to trade the lands there shall be subject to the approval or disapproval of the President, I would have no objection to that.

Mr. SPOONER. Will the Senator from Illinois allow me?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. HANSBROUGH. I yield to the Senator from Wisconsin always.

Mr. SPOONER. The jurisdiction to dispose of the public domain is in Congress, not in the President.

Mr. CULLOM. That is true.

Mr. SPOONER. I doubt the power of Congress to delegate that power to the President. I suggest to the Senator whether his purpose would not be accomplished, so far as past sales and grants are concerned, by inserting after the word "that" the words "subject to the approval of the President."

Mr. TELLER. It seems to me that is the same thing.

Mr. SPOONER. No; not as to the future, but as to past transactions. It will read, "That, subject to the approval of the President of the United States, all sales, grants, leases, etc., are hereby ratified and confirmed."

Mr. HANSBROUGH. I think that covers it. I will accept that.

Mr. SPOONER. As to the future, that raises a different question.

Mr. HANSBROUGH. I accept the modification proposed by the Senator from Wisconsin.

The PRESIDENT pro tempore. The amendment as modified will be read to the Senate.

Mr. COCKRELL. Let us have the page and all.

Mr. SPOONER. I move, if the Senator will permit me—

Mr. HANSBROUGH. Certainly.

Mr. SPOONER. I move to insert on page 33 of the new print, line 2, after the word "That," the words "subject to the approval of the President."

Mr. CULLOM. That paragraph has gone out.

Mr. PLATT of Connecticut. You want to put it back?

Mr. SPOONER. Do not let it go out.

Mr. CULLOM. We will put it back, then.

Mr. COCKRELL. On what page is it?

Mr. SPOONER. On page 33 of the new print.

The PRESIDENT pro tempore. That amendment just went out by unanimous consent.

Mr. CULLOM. I hope it will go back by unanimous consent.

The PRESIDENT pro tempore. Shall it go back by unanimous consent? The Chair hears no objection, and it is back.

Mr. SPOONER. Now I move to insert after the word "That" the words "subject to the approval of the President."

Mr. COCKRELL. What line?

Mr. SPOONER. Line 2, page 33, of the new print.

Mr. CULLOM. At the top of the page.

The PRESIDENT pro tempore. The Senator from Wisconsin moves an amendment, which will be read.

The SECRETARY. Line 2, page 33, after the word "That," insert "subject to the approval of the President."

The PRESIDENT pro tempore. Without objection, it is agreed to.

Mr. CULLOM. Now, I think—

Mr. HANSBROUGH. I desire to offer another amendment.

Mr. CULLOM. Very well.

Mr. HANSBROUGH. I wish to strike out, in line 19, page 33, the words "granted, sold, or;" so that it will read:

And no lease of agricultural land shall be renewed by the government of the Territory of Hawaii for a longer period than five years, until Congress shall otherwise direct.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33; in section 73, line 19, after the words "shall be," it is proposed to strike out the words "granted, sold, or;" so as to read:

And no lease of agricultural land shall be renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct.

Mr. HANSBROUGH. I wish to call the attention of the Senator from Illinois to section 101, which, it seems to me, conveys all the crown lands to the Government of Hawaii, taking the title entirely out of the hands of the Government of the United States. I may be wrong in my reading of the section, but I call the attention of the lawyers about me to that section. I think it ought to be stricken out.

Mr. CULLOM. I have no objection.

Mr. FORAKER. I think that has reference to the provision in the joint resolution of annexation, and that, according to that provision to which I have referred, all of the lands belonging to the republic of Hawaii at the time of annexation were to pass to the United States. This declaration is simply to satisfy that requirement of the annexation act.

Mr. HANSBROUGH. The provision of the joint resolution to which the Senator from Ohio refers is as follows:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition.

It seems to me, by the section in the bill to which I have referred, we grant all the crown lands to the government of Hawaii.

Mr. MORGAN. Mr. President, the manner in which this bill has been mimmicked and chewed up here this morning, by the consent of the chairman of the commission, satisfies me that I have no longer any particular interest in it or that I have any particular knowledge of its provisions. We put in amendments here without the slightest consideration of the facts on which they are based; and the amendment suggested now is entirely misunderstood, and, if I have caught correctly the remarks of the Senator who offered it, the text of the bill itself is misunderstood.

SEC. 101. That the portion of the public domain heretofore known as crown land is hereby declared to have been on the 12th day of August, 1898, and prior thereto, the property of the Hawaiian government.

On the 12th day of August, 1898, the annexation was completed, and it then became the property of the United States. There are certain lawsuits threatened—I think none of them are pending—in favor of the heirs presumptive and otherwise of the crown of Hawaii, set up in antagonism or in opposition to the title of the United States. The object of this statute was to declare that in respect of those lands they were on the 12th day of August, 1898, and prior thereto the lands and property of the government of Hawaii, and after that they became the lands and property of the Government of the United States, and then the bill proceeds to say—

and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever upon the rents, issues, and profits thereof.

Mr. HALE. Where does the Senator get the warrant, in reading this, for his interpolation of the words "Hawaiian government, and thereafter to be the property of the United States." That is not in this bill.

Mr. MORGAN. That is in the act of annexation.

Mr. HALE. I was going to ask the Senator if the act of annexation—if the Senator has that—will show how by the treaty or act of annexation those lands were effectually placed in control of the United States, whether the disposition would only operate as clearing them from trusts and agreements? Has the Senator that provision?

Mr. FORAKER. Mr. President, I have the act right before me.
 Mr. MORGAN. Will the Senator read it, please?
 Mr. FORAKER. I will read it, if the Senator will allow me.
 Mr. HALE. What does it say?
 Mr. FORAKER. It is as follows:

Whereas the government of the republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States absolute fee and ownership of all public government, or crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description belonging to the government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

Mr. HALE. Is that the preamble?

Mr. FORAKER. That is the "whereas;" it may be said to be the preamble, I suppose. Then the resolution goes on to enact that the islands are annexed upon those conditions, which are thus recited. This is intended, as I understand it, and so understood it in the committee when I voted in favor of reporting the bill, simply to set at rest all disputes with respect to those lands.

Mr. HALE. The Senator has no doubt, under that provision and what follows, that those lands are absolutely ceded to the United States, so that the reference here is only a citation?

Mr. MORGAN. I had not quite completed my explanation, and I do not think anybody ever gets a chance to complete a sentence now on the floor of the Senate.

Mr. HALE. It is pretty hard to do so.

Mr. MORGAN. Yes; it is pretty hard to do so.

Mr. FORAKER. May I have the permission of the Senator from Alabama until I read another line in connection with what I read a moment ago?

Mr. MORGAN. I yield.

Mr. FORAKER. I read now from the resolution of annexation itself, commencing at the second paragraph:

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands; but the Congress of the United States shall enact special laws for their management and disposition.

Mr. HANSBROUGH. I take it that section 101 is a special law. It occurred to me—I may be wrong about it—that it was an absolute grant of the Crown lands back to the government of Hawaii, and here, by the last paragraph, the government of Hawaii is authorized to alienate those lands or to appropriate them to other uses. So, as I stated a few moments ago, I submit this question to the lawyers about me here, and of course I shall be guided by their opinion as to that.

Mr. FORAKER. Mr. President, the gist of the last sentence of that section refers to the portion of the public domain about which the section legislates, and not to the republic of Hawaii.

Mr. HANSBROUGH. I understand that.

Mr. FORAKER. And the necessity for this arose from the fact that they did have a controversy as to whether or not the republic of Hawaii had become possessed of the fee-simple title to the Crown lands, as they were called originally. All the lands in the Hawaiian Islands were divided into three classes, one-third belonging to the public, one-third belonging to the government for governmental purposes, and one-third belonging to the crown, to be used only for the support of the royal family.

The question arose—and it is not necessary here to go into details about it—as to whether or not those Crown lands had become possessed by the republic of Hawaii, and to set that question at rest this declaration is made. Whether or not it does have that effect in law is another question, but the only purpose of this is to show that, according to our declaration, the republic of Hawaii had become possessed of the fee-simple title to the Crown lands, and that in consequence they passed to the United States and are now the lands of the United States.

Mr. HANSBROUGH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Dakota?

Mr. MORGAN. I yield.

Mr. HANSBROUGH. I desire to suggest that so long as there is a doubt about the effect of this section it will be a good idea to strike it out.

Mr. CARTER. Will the Senator from Alabama yield to me for one moment?

Mr. MORGAN. I yield the floor entirely, Mr. President. I do not care to say anything more about the matter. I was appealed to for some information about it; but if the Senate does not want to hear it, of course I can not give it.

Mr. CARTER. I supposed the Senator from Alabama desired to review the various suggestions made and to submit the committee's point of view concerning them.

It will be observed that the treaty of cession was approved on the 7th day of July, 1898, which is said to have resulted in an absolute cession, without reservation, to the United States of all the public lands of Hawaii. Section 101, which the Senator from North Dakota [Mr. HANSBROUGH] proposes to strike out, causes the Congress of the United States to now say that it is hereby de-

clared that on the 12th day of August, 1898, these lands belonged to the government of Hawaii.

Mr. FORAKER. The Senator will allow me to suggest that he is perhaps overlooking the fact that the annexation was not consummated when we passed our joint resolution, but only when that was accepted by the Hawaiian government, and we were allowed to take possession on the 12th day of August, 1898.

Mr. CARTER. All that is left of this section, briefly put, is that it constitutes a legislative declaration of a forfeiture of the right of the queen or of the crown to the public lands of Hawaii. In that sense its efficacy is questionable. It is certainly an attempt to deprive a person not in court of certain alleged property rights without any hearing or attempt to give a hearing on the merits. I do not object to that, if Congress thinks that is a proper way to proceed, but it would be well, if the section remain in the bill, to leave no question as to the right of the Hawaiian government to enact a law by which this public domain may be disposed of.

It is the opinion here, I believe, that this right should be reserved to the Congress of the United States. I therefore suggest, if the section remain in the bill and the amendment proposed by the Senator from North Dakota [Mr. HANSBROUGH] is voted down, that on page 49, section 101, line 2, it would be well to strike out the words "by law" and insert the words "action of Congress;" so that there will be no question as to what power is to pass the law; or to insert "by the laws of the United States," or "as may be provided by the laws of the United States," or any equivalent terms.

Mr. FORAKER. I think that is satisfactory to everybody.

The PRESIDENT pro tempore. That amendment is now in order.

Mr. CARTER. I offer that amendment.

Mr. CULLOM. I desire to say a word. A few minutes ago I appealed to the distinguished Senator from Alabama [Mr. MORGAN] to give his views about this section, but he was so interrupted that he was not able to do so fully. I hope the Senator will yet explain that section, so that we may determine whether it ought to remain in the bill or to be taken out.

Mr. MORGAN. I thought the Senate had agreed that it should remain in the bill.

Mr. CULLOM. If it has, I am satisfied.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Montana [Mr. CARTER].

Mr. COCKRELL. Let me understand what that amendment is.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 49, section 101, after the word "provided," at the end of line 1, it is proposed to strike out "by law" and insert "by the laws of the United States."

Mr. MORGAN. There is no objection to that. That is what it now means.

Mr. COCKRELL. Why not change that? Why not strike out the period after the word "thereof," in line 24, on page 48, insert a comma and the word "and," and then strike out the word "It;" so as to read:

SEC. 101. That the portion of the public domain heretofore known as crown land is hereby declared to have been on the 12th day of August, 1898, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust or of concerning the same, and from all claim of any nature whatsoever upon the rents, issues, and profits thereof, and shall be subject to alienation and other uses as may be provided by the laws of the United States.

Thus making it all one sentence; and then there will be no misconstruction about it.

Mr. FORAKER. That is better.

Mr. CARTER. I will accept the amendment of the Senator from Missouri.

The PRESIDENT pro tempore. The Senator from Montana [Mr. CARTER] modifies his amendment as suggested by the Senator from Missouri [Mr. COCKRELL]. The amendment as modified will be stated.

The SECRETARY. On page 48, in section 101, after the word "thereof," it is proposed to strike out the period and the word "It" and insert a comma; and on page 49, line 2, after the words "provided by," to strike out "law" and insert "the laws of the United States."

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. RAWLINS. I offer the amendment, which I send to the desk, to come in at the end of section 82, on page 39, of the new print.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 39, at the end of section 82, it is proposed to insert:

Provided, That writs of error, bills of exceptions, and appeals in all cases from the final decisions of the said supreme court of Hawaii may be taken to the circuit court of appeals of the ninth judicial circuit of the United States where the value of property or amount in controversy shall exceed \$1,000, except that a writ of error or appeal shall be allowed to said circuit court of

appeals of the United States from the decision of said supreme court of Hawaii or of any court or judge upon any writ of habeas corpus involving the question of personal freedom.

The amendment was agreed to.

Mr. BUTLER obtained the floor.

Mr. RAWLINS. There is one other matter, Mr. President, to which I want to call the attention of the Senator from Illinois, if the Senator from North Carolina [Mr. BUTLER] will permit me, which is in line with the amendment just adopted.

Mr. BUTLER. I want to offer an amendment, but I will yield to the Senator for a suggestion.

Mr. RAWLINS. It is in relation to section 88, on page 42. That section contains this provision:

The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii.

That relates to the Federal courts. If I read that provision aright, it only gives the right of review, in cases of decisions by the Federal court of Hawaii, by the appellate courts of the United States, say, the circuit court of appeals or the Supreme Court of the United States, only in cases where there would be a like right of review of the decision of a State court. If I understand correctly the rule as to all Federal courts in this country, it is that there is given upon certain specified conditions a right of appeal in every case, while in respect to the State courts the right of appeal exists only from the final decision of the highest court in the State, and then only where there has been a Federal question involved or a right or an immunity or a privilege claimed under the Constitution or some treaty where the decision of the State court is against the validity of such right.

Now, is it the intention of the Senator to so limit this right of review of the decisions of the Federal court in Hawaii, making that right far less extensive than pertains to other Federal courts?

Mr. BUTLER. I desire to offer an amendment on page 39 of the new print of the bill.

Mr. PLATT of Connecticut. What has become of the other amendments?

The PRESIDENT pro tempore. There is no amendment pending.

Mr. BUTLER. I offer an amendment, on page 39 of the new print, section 84, line 22, after the words "relative to," by inserting "postal savings banks, and the laws relative to."

I will state that this is under the head of "Laws continued in force" in Hawaii, and the purpose of the amendment is to continue in force the present laws of Hawaii establishing a system of postal savings banks. This bill provides for keeping in force certain other laws of Hawaii, and this law that I desire to keep in force is probably the best law that they have. If my amendment is adopted, section 84 will then read:

That the laws of Hawaii relative to postal savings banks and relative to the judicial department, etc.

I send forward the amendment to the desk.

Mr. HALE. Are those laws in relation to postal savings banks the same as we have in the United States?

Mr. BUTLER. No; but they are the present laws of Hawaii, under which a very popular and successful system of postal savings banks has been established and operated since 1885. It is that system that this bill as it stands will abolish, but which I do not want to see abolished. The purpose of my amendment is to save that beneficent system for those people. Unfortunately we have no such system in this country. We are, indeed, the only civilized country in the world that has not a system of postal savings banks, but there have been during the last thirty years numerous efforts in Congress to establish them.

There have been more than 30 bills introduced in the House of Representatives and at least 20 in the Senate. As far back as 1873 a bill was introduced in the House by Mr. Maynard, who was afterwards Postmaster-General, I believe, to establish such a system. Senator MONEY, while a member of the House, introduced such a bill and got a favorable report from the House committee. The report was made by Mr. LACEY, the chairman of the committee, and it is a very strong and interesting document. Similar bills have been introduced in the Senate by Senators Gordon, Miller, Manderson, Mitchell, Sawyer, KYLE, Turpie, Peffer, Quay, MASON, COCKRELL, and myself, but so far we have not been able to get a bill enacted into law.

At the last session of Congress the Senate Committee on Post-Offices and Post-Roads reported favorably a bill (S. 4747) to establish such a system. I had the honor of preparing the report for the committee to accompany that bill, which is Senate Report No. 1504, but the session adjourned before the bill could be brought to a vote. I invite the attention of Senators to that bill and to that report. The bill was carefully prepared after an examination of the laws of twenty-five or thirty nations that now have a system of postal savings banks in successful operation. The bill was carefully examined by the Post-Office Department and had the ap-

proval of the Postmaster-General. The report which accompanies the bill reviews the systems of other countries now in operation and shows that the system proposed in the bill contains the best provisions in the laws of all other countries, as shown by experience.

The system now in operation in Hawaii is a very successful one and is discussed in that report. Before that bill was reported by the Senate committee, a resolution was passed by the Senate instructing the Secretary of State to secure from every country in the world official information as to the systems of postal savings banks in operation in their respective countries. I have here the report of the information gathered by the State Department, being Document No. 39 of the second session of the Fifty-fifth Congress, which contains the information gathered by the Secretary of State through our diplomatic representatives from every country in the world having postal savings banks, which is practically every civilized country except ours.

Mr. HALE. If the Senator will allow me—I do not propose to open a discussion of the question as to the desirability of establishing postal savings banks in the United States, for perhaps the Senator and I should disagree about that—what I do want to get at is whether his amendment proposes to continue in force every law in Hawaii with reference to postal savings banks, whether that is the law here, and if that is so, what is the operation and extent of the postal savings bank system in Hawaii? Does the Senator know about that?

Mr. BUTLER. I shall be very glad to answer that question.

Mr. HALE. I do not care to have the Senator go into a detailed statement of the postal savings banks here, so as to renew that agitation.

Mr. BUTLER. I do not desire to agitate the Senator, but I will give the information which the Senator asks for, and trust that it will not affect anyone as offensive agitation. There is now in operation in Hawaii a complete and successful system of postal savings banks similar to the systems already adopted by Great Britain in 1861, by Belgium in 1869, by Japan in 1875, by France in 1882, Austria in 1883, and many other countries during and since that time. It is very popular, as everyone will admit who knows anything about it.

Mr. HALE. How extensive is that system?

Mr. BUTLER. The system was adopted in Hawaii in 1886. During the first six months there was deposited—I read from Senate Document No. 39—over \$51,000 with over 500 depositors. In 1896 the number of depositors reached 7,494, with a total deposit of \$730,356.61, which was an average deposit for each depositor of \$97, and, by the way, that is a little more than in Great Britain, where they have an average deposit of \$75, and that would make about one depositor for every two voters, as the number would be under the provisions of this bill if it shall become a law.

The system has worked admirably. It is very popular, and I think our commissioners who went over there and who report this bill would be able to tell you that they never heard any complaint against the system, but, on the other hand, that it was universally popular. It has been of great benefit; and you could not find a single person in Hawaii who would be in favor of abolishing it.

Mr. HALE. Have they the feature in Hawaii that we have so extensively here of savings banks?

Mr. BUTLER. They have postal savings banks.

Mr. HALE. I do not mean postal savings banks, but local savings banks.

Mr. BUTLER. I am not advised officially as to that, but I think they have also private savings banks.

Mr. HALE. I wish some member of the commission or of the Committee on Foreign Relations would tell us about that.

Mr. BUTLER. I would say to the Senator that that would be immaterial for this reason: There will be no trouble about continuing this system, because many countries have private savings banks and postal savings banks, and indeed every civilized country in the world has savings banks, and yet they also have postal savings banks. We have savings banks in this country, and New England particularly—

Mr. HALE. We have no postal savings banks.

Mr. BUTLER. No, but New England and the Northern and Middle States, where population is most dense, have more private savings banks than any other part of the country, and there are a great many in the Senator's own State. But there are more than 40,000 people for every savings bank in that section. There are only 760 savings banks in that section, with a population of over 30,000,000 people; so even that section of this country where there are the greatest number of savings banks needs postal savings banks.

In those 12 States there are 5,720 money-order post-offices where there are no savings banks of any kind. Surely the people around these 5,720 money-order offices need savings banks, but private capital has not furnished them. Shall they be denied them till it suits the convenience and pleasure of private capital—prompted solely by private gain—to furnish them?

In the 13 Southern States there are only 2 mutual savings banks

(which are the only real savings banks) and 110 commercial savings banks (which can hardly be called savings banks), 112 in all, covering a population of 18,000,000 people. There are in these States 3,980 money-order offices where there are no savings banks of any kind. And in the 16 Western States there are only 7 mutual savings banks and 420 commercial banks, making 427 in all, covering a population of over 32,000,000 people. There are in these States 6,771 money-order offices where there are no savings banks of any kind. The 4 Pacific States have 20 mutual savings banks, 50 commercial savings banks, 70 in all, covering a population of 3,000,000. There are in these 4 States 862 money-order offices where there are no savings banks at all.

In short, the 33 Southern, Western, and Pacific States have altogether only 609 savings banks, covering a population of over 52,000,000 people, or one savings bank to 84,000 population. Not 1 in 500 of these people do or can deposit in any of these savings banks. Would this be the case if there were postal savings banks at every postal money-order office? In Great Britain, where postal savings banks have long been in successful operation, one person out of every five of their population has a deposit and bank account. That is more than one depositor for every voter.

Shall we wait fifty years, or one hundred years, or one thousand years, until countless generations are born and dead, until private capital will see fit to establish a sufficient number of savings banks conveniently located to the people? And even if there were a sufficient number of savings banks, what guaranty is there that they would be any safer and less liable to break and squander the hard-earned savings of the people than those that are now in existence?

Mr. PLATT of Connecticut. What is the amendment which the Senator from North Carolina proposes?

Mr. BUTLER. I propose to continue in force the present laws of Hawaii relative to the postal savings banks.

Mr. PLATT of Connecticut. Does the Senator want the minister of finance of Hawaii to be authorized to issue coupon bonds of the Hawaiian government up to the amount of \$1,000,000, to issue coupons for the amount of postal savings bank deposits, etc.? Does he want to put this under the control of the old officers of the Hawaiian government? That is the act, and it will all have to be remodeled if it is to be revived and continued there. It has been repealed.

Mr. BUTLER. The law has not been repealed.

Mr. PLATT of Connecticut. I mean it is proposed to be repealed by this bill.

Mr. BUTLER. This bill, if enacted, would repeal it, of course; and that is just what I do not want to do.

Mr. PLATT of Connecticut. On page 4, in chapter 58, "The postal savings banks," is found the postal savings bank law there with all its details; and that law provides that the system shall be run under the old officers of the government.

Mr. HALE. That would conflict with the general purpose of the bill.

Mr. PLATT of Connecticut. The bill would have to be entirely remodeled if that amendment should continue the system in force.

Mr. MASON. Excuse me.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. BUTLER. Certainly.

Mr. MASON. I understand that those who succeed to the powers and prerogatives of the old officers would continue the savings bank under the present law.

Mr. BUTLER. Certainly. I am thoroughly familiar with the law of Hawaii providing for a system of postal savings banks. It is copied in full in the report I had the honor to make from the Senate Committee on Post-Offices and Post-Roads. I examined it carefully with every other law before drawing the bill that I had the honor to offer. I know its imperfections under the changed conditions; but, as the Senator from Illinois suggests, what we are after is to preserve the system. Of course the officers who are named under the new government succeed to the duties of those now exercising those duties, and they can simply carry on the system.

Mr. SPOONER. What officers succeed?

Mr. BUTLER. I am not able to answer the Senator at present, because I am not familiar with just that detail of the bill. But there are officers to occupy the same positions. There is the minister of finance under the old government. There will be an officer named in this bill to perform his duties.

Mr. SPOONER. What officer is to take the place of the minister of finance and perform the functions of that office?

Mr. BUTLER. I do not remember at present just what he is called, and it is immaterial to the amendment under discussion. But I will ask the Senator in charge of the bill what officer under the bill is to perform the functions of the old minister of finance?

Mr. CULLOM. When the office of minister of finance is abolished, if this provision is left in, I do not know that it provides for anybody taking charge of it especially.

Mr. SPOONER. It is simply a misfit.

Mr. CULLOM. That is all. I have no objection to the continuance of that portion of the law which would be in harmony with the remainder of the bill and with the laws of the United States. The only consideration influencing the commission in disposing of the subject was that the postal savings bank there, in view of the fact that the annexation act provided that we should pay all the debts, had to be stopped in some way or other in order that we might know what the obligation was. So the bill provides that it shall be wound up at the indicated time, and the act of annexation provides that that shall be first paid of the four millions that are to be paid by the United States under the annexation joint resolution.

Mr. SPOONER. As I understand it, the United States has assumed the debt?

Mr. CULLOM. It assumed the old indebtedness and provided that that portion of the indebtedness should be paid off first. I will read the provision:

The public debt of the republic of Hawaii, lawfully existing at the date of the passage of this joint resolution, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed \$4,000,000.

That is the amount we agreed to pay of the indebtedness of the Hawaiian Islands.

So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided, said government shall continue to pay the interest on said debt.

Mr. CHILTON. The question arises whether it be possible to ingraft this postal savings bank system on the new condition. The republic of Hawaii had charge of the postal service there?

Mr. CULLOM. Yes.

Mr. CHILTON. Hereafter the United States will have charge of it?

Mr. CULLOM. Certainly.

Mr. CHILTON. Now the question is whether the United States will issue its bonds for moneys deposited in the post-offices in Hawaii when it will not issue bonds for that purpose in any other part of the country.

Mr. CULLOM. That is the difficulty.

Mr. CHILTON. Then another question arises, whether the taxpayers of the United States can be called upon properly to pay interest on postal savings banks deposits in Hawaii when they are not called upon to pay such interest as to other parts of the country.

Mr. CULLOM. All those points were suggested and considered, and we thought the only thing we could do about it was to wind it up and pay off the debt according to the annexation provisions, and then if it is desirable to establish a postal savings bank system in the United States I have no objection to it, so far as I am concerned.

Mr. TILLMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. BUTLER. Certainly.

Mr. TILLMAN. Will the Senator from Illinois tell me, or does he know, what is the amount of that obligation? There is a limitation of a maximum amount of \$4,000,000; but how much is it? Has the matter been adjusted? Are any steps proposed to be taken by this bill looking to its adjustment?

Mr. CULLOM. I do not remember the exact amount, but there is a considerable amount due.

Mr. TILLMAN. Are there any figures in existence anywhere? Is anybody at work on that adjustment?

Mr. MASON. The report will show.

Mr. CULLOM. My own report shows something about it.

Mr. BUTLER. I have already read the figures.

Mr. MASON. The report states it.

Mr. BUTLER. Seven hundred and thirty thousand three hundred and fifty-six dollars and sixty-one cents is the amount due depositors.

Mr. TILLMAN. That is the amount due depositors. What is the public debt of the islands—the other obligations for which we are responsible up to the amount of \$4,000,000?

Mr. CULLOM. Four million was supposed to be the amount of indebtedness, including the bank debts, that the islands owed.

Mr. TILLMAN. That is what I knew, but I thought it was about time, as we have had these islands about two years, to begin to know how much we owe.

Mr. CULLOM. The first thing we ought to do, it seems to me, is to get a bill passed giving them a government and then pay what we have agreed to pay.

Mr. TILLMAN. I thought we were to pay the public debt of Hawaii; that is, the obligations which the republic of Hawaii has accumulated against itself.

Mr. CULLOM. We do pay the public debt, but we first pay the postal savings bank depositors.

Mr. BUTLER. Why not pay the debt the people want paid and

not the one the people do not want paid? The people do not want this paid. They do not want the postal savings bank system abolished.

Mr. CULLOM. That is not the question. The annexation law provides that that shall be first paid. It is not a question as to what we want to do. We are acting and this report was made under the annexation joint resolution, and we thought we must wind up that bank, pay its debts, and then pay the remainder of what we promised—the public debt.

Mr. HALE. Otherwise there would be nobody to pay this bank debt.

Mr. CULLOM. No.

Mr. BUTLER. I notice you make no provision for continuing the system which has been very beneficial to and very popular with the people. Is it the purpose of the committee to abolish it? I notice the committee has brought in a bill which they intend to present to us pretty soon—4945—to abolish the whole thing outright. They not only leave out the law, repeal it, but provide for completely abolishing it and making an end of it.

Mr. CULLOM. Here is the statement.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. BUTLER. I do.

Mr. CULLOM. I am very sorry that the discussion must proceed in this sort of way, but it seems to be necessary.

The foregoing shows the gross public debt on August 12, 1898, to be \$4,603,747.34. On the same date there was cash in treasury to the credit of the following accounts, certified to by the register of—

Public accounts..... \$546,739.04

I will not take up time by reading the remainder of the statement, but that was the amount of the public debt on the 12th of August, 1898.

Mr. BUTLER. Mr. President, all that I desire is that this system, which has worked admirably, which is popular, which has been very beneficial, shall not be abolished as a punishment to the people when we take them in as a part of our civilized government. Are we to take from them some of the advantages and conveniences and blessings of civilization when taking them under our wing and flag? Are we to make them retrograde? As I have stated, every civilized government of any importance, so far as I have been able to find out, except ours, have followed the example of Great Britain and other nations and have established such a system.

There never has been a country in which such a system has been established where it has ever been abolished. There has never been a country in which such a system was established where there ever was any objection raised to it that was successful or even formidable. The only effort in any country where such a system has been established is to perfect it. Such postal banks have grown in popularity and strength everywhere.

The Hawaiian system is not perfect, but let us keep it and perfect it. It is no experiment. It will be no drain on our people. It will be a blessing to them, and a blessing that I hope we will soon give to our own people.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. BUTLER. Certainly.

Mr. SPOONER. I suppose it is necessary to any postal system that the government shall pay interest on deposits?

Mr. BUTLER. Certainly, if it sees fit, and whatever amount it sees fit. We can pay 2 per cent or 1 per cent, or even nothing, if we see fit.

Mr. SPOONER. Will the Senator kindly answer the question put by the Senator from Texas [Mr. CHILTON], on what theory he proposes that the Government of the United States shall pay interest on deposits in Hawaii and nowhere else in the United States? If the Senator thinks we should have a postal savings bank system in the United States, including Hawaii, that is a matter which will come up, as an independent proposition, later in the session. How can we adapt that to the present situation in Hawaii?

Mr. BUTLER. I think if we can not begin the good system all over the country, we ought to keep it in that portion of our country, among those people whom we have taken under our wing, and not rob them of what they have. We certainly have enough sense, ingenuity, and patriotism to do it if we desire to do it.

Mr. MASON. If we are to have one law for this land and another law and another constitution for the other land, what is there to prevent the people in Hawaii from enjoying the postal savings bank system there?

Mr. BUTLER. That is exactly the proposition.

Mr. MASON. It is the proposition. We propose to leave to the people in Hawaii the benefit of the postal savings bank system. I do not understand that you propose to extend the Constitution to Hawaii.

Mr. CHILTON. Oh, yes.

Mr. MASON. Do we?

Mr. CULLOM. Of course we do.

Mr. MASON. That is news to me.

Mr. SPOONER. It is a fact just the same.

Mr. MASON. I am very glad to hear it. We extend both the flag and the Constitution to Hawaii.

Mr. KYLE. Hawaii has been annexed, has it not?

Mr. MASON. I know; but there are other places to which it has not been extended. Puerto Rico has been annexed.

Mr. CHILTON. They were good enough to put it in the bill.

Mr. STEWART. We get it in every bill we can.

Mr. MASON. Very well. In Hawaii they have a postal savings bank system, where the poor who have a few cents and a few dimes can deposit them in the savings bank and can have security. The only country in the world that is absolutely dominated in its legislative branch by the bankers apparently is the United States. We have offered year after year a proposition to take the money out of the safe-deposit vaults and out of the bureaux and stockings and the hiding places where the poor people with small savings hide their money and put it in the Government's hands at a small rate of interest.

I had the distinguished honor of helping to report from the committee the bill introduced by the Senator from North Carolina [Mr. BUTLER], and of joining him in the report, to give to the United States the benefit of the postal savings bank system. As he has said and as the record shows, this is the only civilized country in the world where the bankers control legislation to the extent of keeping the people with small savings from depositing them in the Post-Office Department or in a Department of the Government.

Mr. President, read, if you like, the communications from the bankers of this country. They would rather stagnate circulation. They would rather that the millions of the poor people should be hoarded in bureau drawers and in stockings and in safe-deposit vaults in preference to running the risk of having the small deposits taken from their banks and put with the Government. There is no civilized nation in the world, except ours, that does not borrow from the poor people who have small amounts to loan, and it is because the men who receive money without interest dominate the legislation here.

In this particular amendment the Senator from North Carolina proposes to leave some of the good things in Hawaii that they have discovered for themselves. We have taken a voting system from Australia. We might possibly take a banking system from Hawaii. There the bootblack and the scrub woman and the man who shovels in the streets can take his or her small savings to the government and say "1 or 2 per cent; all we want is security." Hawaii has that system. It is one of the good things she had before we took her in, and the proposition of the Senator from North Carolina is to leave Hawaii what she already has in that respect.

Gentlemen tell us here that we are to establish ideal governments; that we are to travel across the sea and to establish great things with the aid of pure-minded and strong men, and after we have established it there it may reform the council of Chicago and New York, and possibly the Congress of the United States. There is no liberty-loving man but who knows that the bankers of this country have defeated every proposition that has been made here to give the American people a chance at the savings banks. The proposition here of the Senator from North Carolina is that we shall give the Hawaiians better government. If we have better police laws, give them to them; if we have better laws of any sort, give them to them; but if they have a good thing, leave it to them. They have a simple banking system under which the poor people can go and deposit their money. If the amendment does not fit the bill, it is the fault of the men who run the bill.

Mr. CULLOM. Will my colleague allow me?

Mr. MASON. Excuse me; I do not mean my colleague.

Mr. CULLOM. Whenever the Senator is ready to spread the postal savings system all over this country, then we will see whether such a proposition ought to be put upon the statute books as to Hawaii. We have by this bill, as far as we have gone, extended the laws of the United States over that Territory.

Mr. MASON. But the Senator will excuse me. He has saved some laws they had there.

Mr. CULLOM. Oh, yes; most of them.

Mr. MASON. We asked you to save this law. It is the best one left, and he has not saved it.

I simply ask to put in as a part of my remarks the compiled laws as to postal savings banks in Hawaii, pages 164, 165, 166, and 167.

Mr. BUTLER (to Mr. MASON). Put in the report of the consul at Hawaii.

Mr. MASON. It may be a little long. Very well; I will be glad to have that put in also. It will be found in Document No. 39, Fifty-fifth Congress, second session.

The papers referred to are as follows:

HAWAII.

Mr. Sewall to Mr. Sherman.

LEGATION OF THE UNITED STATES,
Honolulu, Hawaiian Islands, September 15, 1897.

SIR: I have the honor to forward, agreeably to circular of July 17, replies to the interrogatories contained therein regarding postal savings banks. I also inclose reports of the postmaster-general and minister of finance, which are of interest as more fully setting forth the details of the working of the postal savings banks than do the answers to the interrogatories.

The Hawaiian government owns no interest in any telephone or telegraph lines.

I have the honor, etc.,

HAROLD M. SEWALL.

Interrogatory 2. The annual aggregate amounts of deposits in postal banks, as shown by official reports for each year since the establishment of the system:

1886 (six months from July 1)	\$51,892.28	1892	\$396,701.47
1887	162,292.66	1893	232,243.87
1888	402,305.92	1894	259,762.11
1889	874,787.50	1895	229,094.97
1890	782,576.14	1896	334,553.26
1891	706,019.77		

Interrogatory 3. What is the rate of interest paid to depositors?
Four and one-half per cent at the present time.

Interrogatory 4. What limits, if any, are placed upon the amounts received on deposit?
Two thousand five hundred dollars is the limit for any one depositor.

Five hundred dollars is the limit on interest-bearing deposits.

Interrogatory 5. What is the shortest period for which deposits are received?
One week.

Interrogatory 6. What is the amount of the individual deposits annually?

Year.	Number of accounts.	Due depositors Dec. 31.	Average amount due depositors.
1887	819	\$134,883.10	\$164
1888	1,860	477,475.85	256
1889	2,641	909,613.87	344
1890	3,299	1,013,632.08	307
1891	3,452	963,354.20	279
1892	2,583	598,462.08	220
1893	2,445	509,394.32	208
1894	2,653	587,401.61	221
1895	3,596	598,098.44	166
1896	7,494	730,356.61	97

Interrogatory 7. Are the certificates transferable; and if so, under what regulations?
Nontransferable.

Interrogatory 8. Are the certificates of deposit convertible into government bonds; and if so, upon what terms?
Yes; see copy of law herewith.

Interrogatories 9 to 21. The government owns no telegraph or telephones.

COMPILED LAWS.

Postal savings bank.

SEC. 772. There shall be established in the general post-office at Honolulu, as a part of the bureau of the Hawaiian postal service, a savings bank to be known as the "Hawaiian Postal Savings Bank," of which the postmaster-general shall be ex-officio manager.

SEC. 773. It shall be lawful for the postmaster-general to authorize and direct such of his officers as he shall think fit to receive deposits, and to pay the same, together with the interest accrued thereon, under such regulations as may be prescribed under the authority of this act: *Provided always*, That such deposits shall not be of less amount than one-quarter of one dollar, or a multiple thereof.

SEC. 774. Every deposit received by any officer so authorized by the postmaster-general shall be entered by him at the time in the depositor's book, and the entry shall be attested by the signature of the said officer. This entry on the depositor's book, with the attestations of the said officer, shall be conclusive evidence of the claim of the depositor to the repayment of such deposit with interest thereon on demand, made by him in the manner herein-after provided.

SEC. 775. The officers engaged in the receipt or payment of savings deposits shall not disclose the name of any depositor nor the amount deposited or withdrawn except to the postmaster-general, or to such officers as may be appointed by him to carry this act into operation.

SEC. 776. The books of the Hawaiian Postal Savings Bank shall be opened, and the manager shall receive all deposits offered on and after the 1st day of January, A. D. 1885.

SEC. 777. Married women and minors may in their own right make deposits and receive repayment, giving valid receipts therefor: *Provided, however*, That minors under the age of 15 years can only give a valid receipt therefor upon the countersigning of the same by their natural or legal guardian.

SEC. 778. In case any depositor shall die leaving a sum of money on deposit in the postal savings bank not exceeding \$100, and letters of administration or notice of existence of a will be not produced to the postmaster-general within a period of sixty days after the death of the depositor, or in case of disputes of any one claiming to be entitled to any money deposited in the postal savings bank under \$100, as assignee, executor, administrator, or next of kin to the depositor, the matter may be referred in writing to a justice of the supreme court, whose award or order in writing shall be binding and conclusive on all parties to all intents and purposes without any appeal.

SEC. 779. In case any depositor shall die leaving any sum of money on deposit in the postal savings bank exceeding \$100, the same shall only be paid to the executor or administrator on the production of letters of administration.

SEC. 780. If a depositor become insane, having on deposit not exceeding \$100, the postmaster-general may, in his discretion, authorize payment from time to time out of the funds of such depositor to any person having charge of him.

SEC. 781. On demand, by notice upon the postmaster-general in such form as may be described in the regulations under this act by a depositor or party legally authorized to claim on account of a depositor for repayment of any deposit or part thereof, such depositor shall be absolutely entitled to payment of any sum not exceeding \$100, which may be due him within thirty days after giving such notice, and shall be absolutely entitled to payment of

any sum or sums over \$100 which may be due him within ninety days after giving such notice, and the officer making such repayments shall enter the same upon the book of the depositor and attest the entry by his signature: *Provided, however*, That payments may be made to depositors, in the discretion of the postmaster-general, on demand, or at any time prior to the periods mentioned in this section.

SEC. 782. The rate of interest payable on deposits made under this act shall not exceed 6 per cent per annum on deposits amounting to \$500 and under in any one account, and shall not exceed 5 per cent per annum on all amounts exceeding \$500 in any one account, but no interest shall be paid on any deposits exceeding at any one time \$2,500 in any one account, and no interest shall be paid on any deposits made after September 30, A. D. 1892, exceeding \$500 in any one account. Interest shall not be calculated on any amount less than \$5 or some multiple thereof, and shall not commence until the 1st day of the calendar month next following the deposit, and shall cease on the 1st day of the calendar month in which such deposit is withdrawn. All deposits not exceeding \$2,500 in any one account that shall have been on deposit two months prior to July 1 of each year shall not be assessed for taxes and shall be free from all Government taxation.

SEC. 783. Interest on all deposits shall be calculated to the 31st day of December in every year, and shall be added to and become part of the principal money, and the postmaster-general shall on that day of each year furnish the minister of finance with a sworn statement of the rate of interest and the amount thereof calculated and actually passed to the credit of the depositors on the books of the postal savings bank.

SEC. 784. All moneys received by the postmaster-general as deposits in the Hawaiian Postal Savings Bank in excess of \$2,500 shall be paid into the treasury; and the registrar of public accounts shall open in the books of the treasury an account to be called the "Hawaiian postal savings," to which he shall credit all deposits made on this account; and he shall debit such sums as may be withdrawn or warrants issued by the postmaster-general for payment of sums due to depositors. All moneys received to this account, as well as the reserve in the hands of the postmaster-general as ex-officio manager of the Hawaiian Postal Savings Bank, shall be deemed and treated as part of the public debt, for which the treasury is responsible to the depositors, and the treasury account shall, on the 1st day of January of each year, be credited as of that day with the interest actually allowed and paid to depositors under this act for the previous year ending December 31.

SEC. 785. There shall be at all times retained in the treasury, as a special reserve to meet the demands of depositors in said postal savings bank, not less than 10 per cent of the deposits in such bank on all deposits up to an aggregate of \$500,000.

SEC. 786. If at any time the moneys paid into the treasury on account of the Hawaiian Postal Savings Bank, and the interest accrued thereon, shall be insufficient to meet the lawful claims of the depositors, it shall be the duty of the minister of finance to pay the amount of such deficiency out of any moneys not otherwise appropriated, and report said amount to the next ensuing legislature.

SEC. 787. An annual account of all deposits received and paid out under authority of this act, and the expenses incurred during the year ending December 31, together with a statement of the total amount due at the close of the year to all depositors, shall be made by the postmaster-general to the minister of finance, who shall lay the same before the legislature at its next ensuing session.

SEC. 788. The minister of finance is hereby authorized to issue coupon bonds of the Hawaiian government up to the amount of \$1,000,000, to be styled the "postal savings bank loan," to be issued to depositors in the Hawaiian Postal Savings Bank who may apply for the same, to be made payable in periods not less than five or not more than twenty years, at the option of the minister of finance, and to bear interest at the rate not to exceed 6 per cent per annum, to be paid semiannually, principal and interest payable in gold coin of the United States of America or its equivalent. Any such depositor with an aggregate credit on his pass book of not less than \$200 in gold coin of the United States of America, which shall have been on deposit at least three months, who shall apply to the postmaster-general for such bonds, shall be entitled to an issue of an amount thereof in sums of \$100 or multiples thereof, which amount shall be immediately withdrawn from said depositor's account with the Postal Savings Bank.

SEC. 789. In order to give greater security to depositors in the Hawaiian Postal Savings Bank and to facilitate the repayments to depositors in case of withdrawals of deposits in excess of the ordinary course of business, the minister of finance is hereby authorized to issue coupon bonds of the Hawaiian government for the amount of postal savings bank deposits on deposit in the treasury on the 1st day of July, 1888, and on the 1st days of January and July of each year thereafter he is hereby further authorized to issue such bonds up to the amount of the net postal savings bank deposits paid into the treasury during the six months next preceding such date of issue, with the amount of the interest credited thereon and added thereto on December 31 of each year.

SEC. 790. Such bonds shall be of a denomination not less than \$100, and shall be redeemable not less than five nor more than twenty years after date, and shall bear interest at 6 per cent per annum, principal and interest to be paid in gold coin of the United States of America or its equivalent. They shall express upon their face that they are issued as security for the postal savings bank deposits, and are negotiable only upon the indorsement of the postmaster-general and the minister of finance, with the consent of the cabinet.

SEC. 791. Such bonds shall be held by the postmaster-general in trust as security for deposits in the Hawaiian Postal Savings Bank, but he shall not draw the interest thereon, and before negotiation of such bonds, as provided by law, it shall be his duty to detach all interest coupons on the bonds that have accrued and deposit the same in the office of the minister of finance, where they shall be canceled.

SEC. 792. In the event of demands for withdrawals of deposits from the postal savings bank in excess of the reserve on hand or available at the treasury, the postmaster-general, with the written consent of the cabinet, is hereby authorized to borrow sufficient money to meet such demands upon the lowest terms obtainable, and give such bonds, or any necessary portion thereof, as security for the money so borrowed, or he may, with such consent as aforesaid, sell a sufficient number of such bonds, after first advertising for tenders therefor, to the person or persons making offers the most advantageous to the Government, and apply the proceeds to the payment of such demands.

SEC. 793. If the postmaster-general shall at any time withdraw from the Treasury moneys deposited therein by the postal savings bank for which bonds shall have been issued as aforesaid, he shall at the same time surrender to the Treasury bonds the par value of which shall equal the amount so withdrawn, which bonds so surrendered shall be forthwith canceled by the registrar of public accounts as redeemed bonds.

SEC. 794. The postmaster-general, with the consent of the cabinet, may make and from time to time, as he shall see occasion, alter all needful regulations for carrying this act into execution; and after publication such regulations so made shall be binding on the parties in the subject-matter hereof to the same extent as if such regulations formed part of this act.

SEC. 795. All expenses incurred in the execution of this act shall be paid out of the appropriations for the general post-office.

SEC. 796. The passage of this act shall in no way change the status of the deposits now in the postal savings bank, either principal or interest; and nothing herein contained shall be construed to mean any interference with such deposits, principal, or interest.

SEC. 797. For the purpose of further securing depositors in the Hawaiian Postal Savings Bank, the minister of finance, with the consent of the cabinet, is hereby authorized to sell at not less than par, from time to time, treasury notes of the Hawaiian government not exceeding the amounts of the deposits in the postal savings bank at the time of issue.

SEC. 798. Such notes shall each be of the denomination of not less than one hundred nor more than five thousand dollars; shall be payable in not less than three months nor more than eighteen months after date of issue; shall bear interest at a rate not exceeding 6 per cent per annum, payable semiannually, and shall be payable, principal and interest, in gold coin of the United States of America or its equivalent, and shall be exempt from any taxes whatsoever.

SEC. 799. Such notes shall be sold only for the purpose of obtaining moneys with which to pay demands which may be made upon the postal savings bank which the treasury is unable to meet from other sources, and shall be held as a special deposit for such purpose, and used for no other purpose; provided, however, that moneys heretofore paid out of the treasury to depositors may be repaid to the treasury out of the receipts from such notes.

SEC. 800. The postmaster-general, as manager of the postal savings bank, with the consent and approval of the minister of finance, may issue to any person term deposit certificates in the name of the Hawaiian Postal Savings Bank for deposits of not less than \$500 nor more than \$5,000.

SEC. 801. The amount so deposited shall draw interest at a rate not to exceed 6 per cent per annum, to be computed in accordance with the law regulating the bank. Such deposits shall not in the aggregate exceed \$150,000 at any one time.

SEC. 802. The term for which any deposit shall be received under this act shall not exceed twelve months.

SEC. 803. The form of the said certificate shall be as follows, and shall contain the conditions hereinafter set forth:

Hawaiian postal savings bank certificates.

\$ ——— No. ———
HONOLULU, ———, 189—.
Received from ———, in ——— coin, ——— dollars on deposit, payable in ——— coin on presentation of this certificate properly indorsed. This deposit is made for ——— months, and will bear interest from ———, 189—, at the rate of ——— per cent per annum, and in accordance with the conditions printed hereon.
Interest, ———.
Approved: ———, Minister of Finance.

Conditions.

Present this certificate at the postal savings bank at the expiration of the term stated herein. Interest will cease at that date.

Holders at a distance may indorse this certificate and send by mail to the postal savings bank, when it will be paid.

This certificate may be transferred by indorsement, and principal with interest will be paid to the holder hereof.

Mr. MASON. Mr. President, I think there is a good deal of force to the suggestion of the Senator from Wisconsin, and also the same suggestion made by the Senator from Illinois, that it ought to be uniform and extend all over the country, but the Senate is never in a hurry. We can take this up a week from next summer just as well as now. I make the suggestion that if the amendment offered by the Senator conflicts with any other suggestions made, the whole bill ought to be amended so as to conform to it.

The laws, as you will see if you read them carefully, provide for a certain officer to receive these deposits. The officers of the Hawaiian government must have successors. It would naturally be the Postmaster-General of the United States as to this matter. The objection may be made that it is not uniform. Nothing is uniform at the present day. We make one law for this country and another law for another country. We have gone into the lawmaking business for the whole world.

Even I have tried to introduce and to secure the passage of laws that should govern the Parliament of Great Britain and the Boers in South Africa. The Senator from Illinois, my colleague, proposes now to make laws for Hawaii. The Senator from Ohio [Mr. FORAKER] proposes to make laws for Puerto Rico, and some others as to the Philippines. If we are to save for the benefit of the people of those islands the particular laws which they have found good for them, there must be some way to save to the people of the Hawaiian Islands this splendid system that encourages saving, that gives security to the poor depositor and lets the boot-black and the scrub woman and the laboring man take what he has to the government and say, "Save that for me for my bread on a rainy day or my funeral, as the case may be."

The only civilized government in the world that is dominated by the bankers within its four sides is the United States, and if we can not get to-day a postal savings bank in the United States, we ought to save it for the poor benighted heathen, who have had sense enough to be ahead of us about fifty years in the march of civilization, and who have built up for themselves a splendid system of postal savings banks. We take them in under our flag, and I am informed, and I thank God for it, we give them the Constitution with the flag; but we take away their postal savings bank. I am for the amendment offered by the Senator from North Carolina.

Mr. KYLE. Will the Senator allow me to ask him a question?

Mr. MASON. Certainly.

Mr. KYLE. I should like to know whether he knows of any constitutional or legal objection to leaving in this portion of their law?

Mr. MASON. There can not be, because we leave them a portion of their laws that we think they want.

Mr. KYLE. I can not think of anything in the way at all. I want to add my word that I am heartily in favor of this proposition. As long as seven or eight years ago I introduced a bill covering the same proposition in the United States. I think the first bill offered, in 1890, was by Senator Manderson, of Nebraska, to establish a postal savings bank in the United States. I liked the bill then. It was indorsed by the National Farmers' Alliance and by the labor organizations of the United States. I believe it is a bill the people want, as the Senator from Illinois [Mr. MASON] has remarked; and if there is any way to preserve it, I hope it will be done.

Mr. MASON. I thank the Senator. I introduced a bill in the last Congress, which was known as the Record bill. I presented petitions here in favor of the postal savings banks in this country signed by over two and a half million people and signed in practically all the States of this Union.

Mr. KYLE. It has been objected to upon the part of some that we did not know how it was going to work. We know how it works abroad—how it works in Germany, France, and these other foreign countries.

Mr. MASON. And even Hawaii.

Mr. KYLE. Exactly.

Mr. MASON. They say it is popular; it is successful; it gives a safe investment; it is a convenience to the government to get money at a low rate of interest; and at the same time it is a great convenience to the poor people who have savings to deposit.

Now that Hawaii is a part of the United States it will be more and more an object lesson to the people of our country as to the practical workings of this system, and I think it ought to be preserved to the people of the country, if possible.

Mr. ALLISON. I notice by section 5 of this proposed act, found on page 3 of the new print, that all the laws of the United States not locally inapplicable to Hawaii are extended over that country. Is that the understanding?

Mr. CULLOM. It is.

Mr. MASON. Read that again.

Mr. ALLISON. I ask the committee to explain to me whether our postal system is extended to Hawaii?

Mr. CULLOM. Does the Senator mean the post-office system?

Mr. ALLISON. Our post-office system.

Mr. CULLOM. Of course.

Mr. ALLISON. That is to say, we are to have post-offices there?

Mr. CULLOM. Yes; post-offices there.

Mr. ALLISON. And postmasters?

Mr. CULLOM. Appointed by the President.

Mr. ALLISON. We are to have all the machinery of our Post-Office Department and our postal system?

Mr. CULLOM. Entire; certainly so.

Mr. ALLISON. I have also understood in this debate that under the annexation joint resolution we have agreed to pay the debts of Hawaii up to \$4,000,000.

Mr. CULLOM. That is true.

Mr. ALLISON. That is the limit?

Mr. CULLOM. That is the limit.

Mr. ALLISON. And that is to include the amount due by the government of Hawaii, under its local postal system, on account of savings banks?

Mr. CULLOM. That is true. It is so provided in the annexation act.

Mr. ALLISON. I should be glad to have the committee, if they can, tell me whether or not since August 13, 1898, the local Hawaiian postal savings system has been going on, and whether they have been taking deposits under this system, and whether the debt has been increased from August, 1898, up to the present time.

Mr. CULLOM. We had no power to do anything further than to report what the state of the case was, and there are provisions in the bill for the purpose of putting an end to the accumulation of indebtedness by those islands which the United States will have to assume.

I can state for the information of the Senator that at the time the commission were there and when we were about to come to conclusions as to what we ought to report, among others, as to the winding up of the postal savings banks, because we had to do that in order to find out how much we would have to pay, the people there supposed that the bill to be reported by the commission would be passed a year ago, during the last session of Congress, and many of the depositors in the postal savings banks were making arrangements, as I remember it, and the Senator from Alabama will correct me if I am mistaken, for transferring their deposits to other banks in the city of Honolulu. How much of that was done I do not know. I suppose the Senator from Alabama does not, either. What has been done since we came away, in view of the fact that the bill has not passed, I know nothing

about, but I suppose there is an indebtedness accumulating there which has to be paid by the Government.

Mr. MASON. Just a moment. There is no possible claim that the Government of the United States would be bound by any new deposits after the passage of the act of annexation.

Mr. CULLOM. Yes.

Mr. MASON. They might deposit \$40,000,000.

Mr. MORGAN. All their laws were continued in force.

Mr. MASON. You only agreed—

Mr. CULLOM. Oh, no.

Mr. MASON. If I do not interrupt you—

Mr. CULLOM. Not at all.

Mr. MASON. As I understand, we only agreed when we voted for annexation—

Mr. CULLOM. I will read this provision of the statute, if the Senator from Iowa will allow me.

Mr. ALLISON. I will yield to both Senators to elucidate this question.

Mr. CULLOM. It is as follows:

The public debt of the republic of Hawaii, lawfully existing at the date of the passage of this joint resolution—

Mr. MASON. That is the point I made—the date of the passage.

Mr. CULLOM (reading)—

including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed \$4,000,000. So long, however, as the existing government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided said government shall continue to pay the interest on said debt.

Including the postal savings debt.

Mr. MASON. Certainly; that no deposit shall be made after annexation.

Mr. ALLISON. That is immaterial for the purpose I have in view. I do not wish to make any point on that. Now I will ask the Senator from Illinois, who I supposed had charge of this bill—his colleague did not seem to think he has.

Mr. MASON. He has.

Mr. ALLISON. If he had, he made some criticism.

Mr. MASON. He did not.

Mr. ALLISON. I should like to ask the Senator from Illinois how much of the government of Hawaii will be left after this bill passes?

Mr. CULLOM. Does the Senator mean the laws?

Mr. ALLISON. No; I do not mean the laws. They have a government there now, and we propose here, if I understand this bill, to change in some ways the form of that government and to make it a Territory of the United States.

Mr. CULLOM. Let me read a section to the Senator.

Mr. ALLISON. I only want—

Mr. CULLOM. It is a short section.

Mr. ALLISON. Very well.

Mr. CULLOM. Section 8 provides:

That the offices of President, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor-general, surveyor-general, marshal, and deputy marshal of the republic of Hawaii are hereby abolished.

That much of it goes out.

Mr. ALLISON. That is enough for my purpose, if the Senator will allow me.

Mr. CULLOM. And a good deal more, in one way and another.

Mr. ALLISON. As I understand these provisions, we propose to annex Hawaii as a Territory of the United States and extend our Constitution and laws over that Territory.

Mr. MORGAN. We have already done that.

Mr. ALLISON. Yes.

Mr. MASON. That has already been done.

Mr. ALLISON. That has been done. Now the Senator from North Carolina proposes that we shall continue the savings banks of Hawaii. I want to submit to him that that is an impossibility. The effect of what he proposes is that the United States Government shall establish a savings bank in one of its Territories, and whatever savings deposits there may be in that Territory, of course, if it is a postal savings bank, must go into the postal system in some form and the Post-Office Department is to be responsible.

Now, Mr. President, I submit that it is an impossibility. In the first place, you can not amend this law in any way so as to do it unless you establish a postal savings bank system for Hawaii alone, this Territory of ours which we are legislating for. Then I submit further that if that would be possible it would be a manifest injustice for the Government of the United States, which is about to transfer its own public debt to an interest-bearing debt of 2 per cent, to pay $4\frac{1}{2}$ per cent to the depositors in the post-office service in Hawaii. So, not perhaps fully sympathizing with and realizing the great importance of this universal postal system for all the United States, I submit now that it is better for us to await the report of the Senator from North Carolina and his Post-Office Committee, and get a general system, and when we get it all perfected and all in good play and shape we shall extend it, of course, to Hawaii.

Mr. MORGAN. Mr. President, when the commission got to Hawaii they found themselves confronted with a proposition of law enacted by Congress that the postal savings debt should be paid, and paid first. Naturally, therefore, the commission concluded that that establishment was to be wound up; and so in making a report of their bill for the purposes of carrying into effect what we thought was proper in changing the government of Hawaii, two bills were reported here, one for the repeal and winding up of the savings-bank system in Hawaii, and the other for regulating the currency between the two countries. One of those bills went to the Committee on Finance, the one relating to the currency. They were put in separate bills because they were not supposed to be actually necessary to the reinstatement of a new government or a Territorial government in Hawaii. I do not know to what committee the other bill went.

Mr. CULLOM. I think both bills went to the Committee on Foreign Relations during the last session, but no action was taken there on either.

Mr. MORGAN. The bill relating to the postal savings bank went to the Committee on Post-Offices and Post-Roads of the Senate in December, 1898. It was expected, of course, that these three bills—the one for establishing the government, the one for regulating the coinage, and the other regulating the postal system and the winding up of the savings bank—would be reported either simultaneously, or pretty nearly so, and acted upon in the Senate according to their merit and according to the precedence they were entitled to.

Now, what we ought to do to carry out the intention of Congress as expressed in the act of annexation, is to take up the bill of the Committee on Post-Offices and Post-Roads and make it a part of this bill for the government. I will read it. It is very short:

That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an act entitled "A joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898, shall pay the amounts on deposit in Hawaiian postal savings banks to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available on and after the 1st day of July, 1899—

It would be now the 1st day of July, 1900—

when such payments shall begin, and none of said demands shall bear interest after said date, and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the Government of the United States or of Hawaii.

SEC. 2. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the 1st day of July, 1899, and any assets of said bank, shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be stated as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank.

Mr. MASON. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Certainly.

Mr. MASON. That is simply to wind up the savings bank.

Mr. MORGAN. That is exactly what it does. The commission were compelled to make a provision of that kind, because the Government of the United States has assumed the whole of the outstanding debt of the postal savings bank.

Mr. MASON. Will the Senator from Alabama yield to me for a moment?

Mr. MORGAN. Certainly.

Mr. MASON. But you do not assume any debt beyond the date of annexation?

Mr. MORGAN. No; we do not. We could not do that. Now, I will read the report of Mr. Damon, who was the minister of finance of Hawaii, in which he says:

HAWAIIAN POSTAL SAVINGS BANK.

This institution was established, by act of the legislature in 1884, to encourage the deposit of small savings at interest, with the security of the government for repayment thereof, and was opened for business July 1, 1886, with His Majesty Kalakaua as the first depositor.

On the 12th day of August, 1898, the amount due to 10,555 depositors, classified by nationalities as follows:

Americans.....	602
British.....	526
Germans.....	329
Hawaiians.....	1,291
Portuguese.....	495
Sundry nationalities.....	221
Chinese under the board of immigration.....	7,091

Total.....	10,555
Amounted to.....	\$836,297.34
And to 68 special depositors for sums exceeding \$500, the sum of.....	77,750.00

A total of..... \$914,047.34

These deposits bear interest at 4 per cent per annum, and interest is credited to the several accounts on the 31st day of December of each year, and is a charge on the current revenues of the Government.

The present cash reserve to meet the demands is \$112,409.23, of which \$105,000 is on special deposit at the treasury.

There was a reserve that we found in the treasury for the purpose of paying this off. The law of Hawaii required these postal savings banks to keep always a certain amount in reserve.

Mr. BUTLER. Ten per cent.

Mr. MORGAN. Ten per cent was required to be kept in reserve.

The surplus over the requirement of the cash minimum reserve of \$50,000 has been used by the government for public works and permanent improvements.

During the twelve years of its existence every call by depositors has been promptly met, and the general confidence and usefulness to the community has been shown in its use by all nationalities.

The foregoing shows the gross public debt on August 12, 1898—

That is, the general debt of Hawaii—

to be \$4,603,747.34. On the same date there was cash in treasury to the credit of the following accounts, certified to by the register of—

Public accounts.....	\$546,739.04
<i>Cash on hand in the Hawaiian treasury on August 12, 1898.</i>	
Current account, balance.....	\$284,014.51
Loan fund account, balance.....	38,370.17
Total.....	322,384.68
<i>Special deposits.</i>	
Land sales.....	\$66,028.23
Road tax.....	53,270.83
School tax.....	54.30
Hawaiian Postal Savings Bank.....	105,000.00
Total.....	224,353.36

I hereby certify that the above is a true and correct statement as of above date.

W. G. ASHLEY,
Registrar of Public Accounts.

That was the report which the minister of finance made to the commission.

Mr. SPOONER. Will the Senator kindly read the aggregate amount of the postal savings bank indebtedness? I did not catch it. I thought he said about \$900,000.

Mr. MORGAN. Nine hundred and fourteen thousand and forty-seven dollars and thirty-four cents. That does not take into account the credits it is entitled to, about \$700,000.

Mr. CULLOM. Seven hundred thousand dollars.

Mr. MORGAN. Yes. Now, while we were there the winding up of that bank was quite a puzzle, quite a difficulty, for the reason that the Government had no right to call in these certificates of deposit, and the people were hanging onto them. There was but one way to stop them at all, and that was to cut off the interest on these deposits after a certain date and force the people to bring them in for payment, for redemption. The bill, as you will notice here, has made an ample provision, I think, and a correct provision, for paying these outstanding certificates taken up and redeemed.

Now, an arrangement was proposed there for the purpose of getting the banks to take over the whole establishment, the assets, and to give the banks or some bank, an incorporated establishment there, a savings bank, the same rights and privileges that the government of Hawaii had under this law. They seemed to be figuring with a view of bringing that about, but I have not any idea that any money has been received into that postal savings bank since annexation, although it may have been done. I can not say it has not been done, but that was not the intention of the Government at the time we were there. They looked to the fact that the act of Congress would necessarily involve a winding up of the postal savings bank system.

That was a part of the act of annexation, a necessary part of it, and therefore they were preparing for it and they expected and hoped to be able when they got legislative powers to confer upon some bank—the bank was named, but I forget what bank it was—some very excellent institution there that the people would be willing to have the assets turned over to, with the consent of the United States, and let them assume the redemption of the outstanding certificates, they being, of course, refunded by the United States as the certificates might be called in; in other words, that the certificates would go into the bank, the Government of the United States would pay the debt under the act of annexation, and that would give to the bank a fund upon which it could carry the system. It was intended to transfer it to a bank instead of to the local government.

Mr. MASON. Will the Senator from Alabama allow me just a moment? It was the whole plan and scope of the commission to wind up the savings-bank system?

Mr. MORGAN. That is it. We felt that it was, of course, our duty to do it. As the Senator from Iowa has suggested, after the repeal of all of the laws of Hawaii in this act this postal bank goes by the board unless we reenact it as a system of the Government of the United States.

Mr. MASON. But does not the Senator in his bill reserve some of the laws? Section 6 provides:

That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

Mr. MORGAN. But the provisions of this act—

Mr. BUTLER. On page 39 a whole lot more of them are continued in force.

Mr. MORGAN. A great many laws are continued in force, but none inconsistent with the provisions of the act we are passing now.

Mr. MASON. This act is not inconsistent, because it does not touch the question. An act to be inconsistent with another act must touch a question upon which the original act was passed.

Mr. MORGAN. We wish to make this act consistent with itself. It is proper now to take up the bill that was offered by the Senator from Illinois and put it on the pending bill as two additional sections. That will complete the system, so far as this postal savings bank is concerned.

Mr. BUTLER. Wiping it out.

Mr. MORGAN. Wiping it out, of course.

Mr. MASON. I will call the Senator's attention, if he will permit me, to page 39 of the new print, line 22, section 84:

That the laws of Hawaii relative to the judicial department, including civil and criminal procedure, except as amended by this act, are continued in force, subject to modification by Congress or the legislature.

Mr. MORGAN. Yes.

Mr. MASON. That section provides further:

The provisions of said laws or any laws of the republic of Hawaii which require juries to be composed of aliens or foreigners only, or to be constituted by impeaching natives of Hawaii only, in civil and criminal cases specified in said laws, are repealed, and all juries shall hereafter be constituted without reference to the race or place of nativity of the jurors.

And so on. Here is the closing clause of the section:

No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall be entitled to a trial by a jury impaneled exclusively from persons of any race.

That does not apply; I beg the Senator's pardon. What I wanted to call your attention to was the main part of what I have read, section 84, entitled "Laws continued in force." What the Senator from North Carolina contends, as I understand him, and I think he is right, is that there is nothing in the amendment that is inconsistent with the present laws of the United States or with the Constitution of the United States to allow the people of that Territory to have their Territorial law, if you please to call it so, even though they deposit in the post-office of the United States.

Mr. MORGAN. The only thing that is inconsistent with the retention of the postal savings bank system in Hawaii is the part of the act of annexation in which we assume the payment and extinguishment of all its outstanding obligations; that is all.

Mr. BUTLER. Then, if the Senator will pardon me—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. MORGAN. Certainly.

Mr. BUTLER. Then there can be no inconsistency in so amending it or failing to carry out any part of it, especially when it meets with the approval of the people of Hawaii. Nobody can complain if we do not pay that debt when the very people to whom it is owed do not want us to pay it. If we were to-morrow to pass a law offering to pay to every depositor who wanted us to pay, you could not find one in the kingdom who would ask you to pay it.

Mr. MORGAN. I wish to be entirely frank about the matter—

Mr. BUTLER. Indeed we could reduce the interest to 2 per cent, as I think we should do and will do, and as the bill which the Committee on Post-Offices and Post-Roads has recommended fixes the rate of interest, and I am satisfied every person in the kingdom would still want to continue the system, and they would not let us pay unless we forced them to receive it.

Mr. MORGAN. I wish to be entirely frank about this matter. I will say that I believe the authorities in Hawaii—I have had no opportunity to consult with the people about it—would have been very glad to have retained this postal savings bank system, a system that has worked well, as Mr. Damon's report shows. You can see from the number of depositors and the character of the depositors that it is very popular. There are 7,091 Chinese who were depositors; 1,291 Hawaiians were depositors; 603 Americans, 526 British, 329 Germans, and then of sundry nationalities, 221. It is very popular there. But the commission felt constrained by the statute under which they were acting to wind up that institution, because Congress had so declared.

Now, the question is, Shall it be reinstated; and if so, when reinstated is it an institution of Hawaii or is it an institution of the United States? Of course it is an institution of the United States. It is a fragmentary law applying to a single Territory, establishing in that Territory a postal savings bank.

I do not know that I have any special objection to having that

thing done, because I want to give the people of Hawaii all the liberties, rights, privileges, and opportunities that it is possible for them to enjoy. But a bill, I have been informed, is coming in here from the Committee on Post-Offices and Post-Roads, bringing in a provision for a general system of postal savings banks for the United States. Of course that will include Hawaii, and in order to pass that bill we would have to get rid of the postal system in Hawaii. That bill would repeal the postal system as we found it in Hawaii and as it exists to-day. It is going on to-day, but I do not think actively.

In order to get this matter into a correct legislative attitude, so that we can vote upon it intelligently, I propose to add these two sections to the bill as additional sections, amending the sections by striking out "1899" where it occurs and inserting "1900;" so that it will read:

So much money as is necessary to pay said demands is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be available on and after the 1st day of July, 1900.

Strike out "1899" wherever it occurs in this amendment and insert "1900." Then we would have something, Mr. President, which would perfect the bill, and it is necessary to perfect it, for it was really a part of it when it was offered here, although it was sent to separate committees for the reason that the Committee on Post-Offices and Post-Roads and the Committee on Finance are more properly the committees to deal with those particular features of the report of the commission than the Committee on Foreign Relations. That is why the provisions were separated and put in separate bills. I am not so sure but that we ought also to add the coinage bill, but then that is a matter about which no question has been raised. We have had enough questions here now to turn a man crazy over this bill, most of them growing out of the fact that Senators have not understood it.

Mr. CULLOM. Mr. President, I think it is about the time when we should cease the consideration of this bill for to-night, as it is evident we can not finish it.

Mr. MORGAN. I will offer the amendment now.

Mr. CULLOM. The amendment of the Senator from North Carolina comes first.

Mr. MORGAN. I beg your pardon.

Mr. CULLOM. I should like to say that I will be exceedingly gratified if we can fix a time to-morrow for the final disposition of this bill. I am exceedingly anxious to get the bill through the Senate, so that it may be finally sent to the other House. I ask the Senate whether we can not have unanimous consent to dispose of the bill by a final vote upon it to-morrow at 4 o'clock.

Mr. MORGAN. And the amendments?

Mr. CULLOM. The bill and amendments.

Mr. HALE. I hope the Senator will not ask that that be done. I hope the Senator will not ask us to do that now. There are several matters that are of importance to be discussed hereafter which have not yet been reached, and it is uncertain how much of the time to-morrow may be taken up in the consideration of the report of the Committee on Privileges and Elections. I think the Senator in charge of the bill—while I appreciate his anxiety to close it up—had better not now endeavor to fix a time for taking a vote on it.

Mr. CULLOM. Will the Senator consent, then, that the bill shall be finished to-morrow before adjournment?

Mr. HALE. I think it is very uncertain as to what time we can begin the consideration of the bill to-morrow.

Mr. CULLOM. I inquire of the Senator from Pennsylvania [Mr. PENROSE] whether it is expected that any Senator will desire to speak on the question in which he is interested to-morrow?

Mr. PENROSE. I understand there are four or five Senators on both sides of the controversy who are ready at any time to address the Senate. I also remind the Senator that the Senator from New York [Mr. DEPEW] has given notice of his intention to speak to-morrow on the Philippine question.

Mr. COCKRELL. That is to be in the morning hour.

Mr. PENROSE. Yes; but it will necessarily take some time which would otherwise undoubtedly be consumed by the Pennsylvania Senatorial case.

Mr. HALE. The Senator from Tennessee [Mr. TURLEY] when he suspended his remarks to-day gave notice that he desired on to-morrow to continue.

Mr. PENROSE. I understand the Senator from Tennessee expects to occupy at least an hour to-morrow, and if he is then interrupted as much as he has been to-day, he may occupy a longer time.

Mr. HALE. I think the Senator from Illinois had better not ask for an agreement this evening.

Mr. FORAKER. There is such an extreme necessity, as it seems to me, for legislation for Puerto Rico that I want to suggest the propriety of our having night sessions. I do not know what the sense of the Senate may be with respect to such a proposition.

Mr. HALE. There are but few Senators now here.

Mr. CULLOM. I sincerely hope that the Senate will allow the Hawaiian bill to be considered until it is disposed of and at as early a date as is reasonable. There are considerations, which I

do not care to speak of here, which render it important that the bill should be promptly acted upon. I should be very glad indeed to get it through the Senate and into the other House.

Mr. FORAKER. My great anxiety about it is that I may secure the consideration of the Puerto Rican bill as early as possible.

Mr. PETTUS. If the Senator from Illinois will allow me, if in order, I want to inquire of him whether it would not be best now to order the printing of the bill with the amendments to it so far as they have been agreed to?

Mr. CULLOM. I secured an order for its reprinting on Saturday night.

Mr. PETTUS. There have been so many amendments since that it is impossible to carry them in one's head. It is a mere suggestion on my part; I do not want to make any motion.

Mr. CULLOM. I think the Senator will find, on an examination of the last print of the bill, that there are not very many amendments which have been adopted to-day. I will drop the subject for the present, in the hope that I may get the bill through to-morrow; and I will now move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Will the Senator from Illinois withhold the motion for a moment that the Chair may present some matters to the Senate?

Mr. CULLOM. I withdraw the motion temporarily.

REPORT OF BOARD ON GEOGRAPHIC NAMES.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and referred to the Committee on Printing:

To the Senate and House of Representatives:

I transmit herewith for the information of Congress, and with a view to its publication in suitable form, if such action is deemed desirable, the Second Report of the United States Board on Geographic Names, constituted by Executive order issued on September 4, 1890.

Your attention is invited to two recommendations of the board:

First. That in addition to the number of copies of this report printed for the use of Congress 5,000 copies be printed for the use of the board.

Second. That to conduct the necessary correspondence, make investigations of questions submitted, prepare, print, and promptly distribute the decisions as made, Congress be asked for an annual appropriation of \$2,500.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, February 26, 1900.

INDUSTRIAL COMMISSION REPORT.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the chairman of the United States Industrial Commission, transmitting the report of the secretary of the Industrial Commission on the work of the commission to January 1, 1900.

The Chair is uncertain to what committee this communication should be referred.

Mr. PENROSE. I move that that communication be referred to the Committee on Education and Labor. I think that committee has the subject-matter in charge.

Mr. FORAKER. The Senator from South Dakota [Mr. KYLE], whose name is signed to the communication which has been read, is now here.

The PRESIDENT pro tempore. The Chair will state to the Senator from South Dakota that he has presented a partial report from the Industrial Commission, and the Chair wishes to know what disposition shall be made of it?

Mr. KYLE. The law creating the Industrial Commission, which was approved June 18, 1898, provides that from time to time the commission may make reports to Congress.

The PRESIDENT pro tempore. The Chair has received and presented to the Senate one of those reports.

Mr. HALE. Let it be printed.

Mr. KYLE. I presume the usual number of copies should be printed.

Mr. HALE. It should be printed as a document.

Mr. KYLE. Yes; printed as a document.

Mr. HALE. And then lie upon the table.

Mr. KYLE. Yes; and then lie upon the table.

The PRESIDENT pro tempore. That order will be made, in the absence of objection.

EXECUTIVE SESSION.

Mr. CULLOM. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 27, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 26, 1900.

CONSULS.

George B. Anderson, of the District of Columbia, now consul at Grenoble, France, to be consul of the United States at Prescott, Canada, vice Grenville James, nominated to be consul at Grenoble.

Grenville James, of New York, now consul at Prescott, Canada, to be consul of the United States at Grenoble, France, vice George B. Anderson, nominated to be consul at Prescott.

APPOINTMENTS IN THE ARMY—INFANTRY ARM.

To be second lieutenants, to rank from February 1, 1900.

Clifford U. Leonori, of New York.
Ralph B. Lister, of Colorado.
Spencer M. Bowman, of the District of Columbia.
Frank B. Davis, of North Carolina.
Daniel Van Voorhis, of Ohio.
Benjamin H. Pope, of Texas.
Julian L. Dodge, of New York.

PROMOTIONS IN THE VOLUNTEER ARMY.

Thirty-fifth Infantry.

First Lieut. Harry N. Cootes, Thirty-fifth Infantry, United States Volunteers, to be captain, February 21, 1900, vice Langworthy, deceased.

Second Lieut. Gordon N. Kimball, Thirty-fifth Infantry, United States Volunteers, to be first lieutenant, February 21, 1900, vice Cootes, promoted.

SECOND LIEUTENANT IN MARINE CORPS.

Louis G. Miller, a citizen of Ohio, to be a second lieutenant in the United States Marine Corps, from the 23d day of February, 1900, to fill a vacancy existing in that Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 26, 1900.

APPOINTMENT IN THE ARMY.

Subsistence Department.

First Lieut. Charles R. Kranthoff, Fourteenth Infantry (captain and assistant commissary of subsistence, United States Volunteers), to be commissary of subsistence with the rank of captain, February 15, 1900.

APPOINTMENTS IN THE VOLUNTEER ARMY.

To be assistant surgeon with the rank of first lieutenant.

John Carling, of New York, acting assistant surgeon, United States Army, February 16, 1900.

Puerto Rico Regiment.

Maj. James A. Buchanan, Fifteenth United States Infantry, to be lieutenant-colonel Puerto Rico Regiment, United States Volunteer Infantry, February 19, 1900.

To be quartermaster with the rank of major.

Capt. Isaac W. Littell, assistant quartermaster, United States Army, February 15, 1900.

To be major-general by brevet.

Brig. Gen. Harrison Gray Otis, United States Volunteers (since honorably mustered out of service), for meritorious conduct at the battle of Caloocan, Philippine Islands, March 25, 1899.

To be brigadier-generals by brevet.

Col. Owen Summers, Second Oregon Volunteer Infantry (since honorably mustered out of service), for conspicuous gallantry at Maasin Bulac bridge, San Isidro, Philippine Islands, May 17, 1899.

Col. Harry C. Kessler, First Montana Volunteer Infantry (since honorably mustered out of service), for distinguished service in action at Malolos, P. I., March 31, 1899.

To be major by brevet.

Capt. James F. Case, Second Oregon Volunteer Infantry (now major, Fortieth Infantry, United States Volunteers), for distinguished services and gallantry at Maasin Bulac bridge, San Isidro, P. I., while acting division engineer officer, May 17, 1899.

To be commissary of subsistence with the rank of major.

Capt. Matt R. Peterson, commissary of subsistence, United States Army, February 15, 1900.

PROMOTIONS IN THE VOLUNTEER ARMY.

To be surgeon with the rank of major.

Capt. Luther B. Grandy, assistant surgeon, Thirty-fifth Infantry, United States Volunteers, February 14, 1900.

To be assistant surgeon with the rank of captain.

First Lieut. John A. Metzger, assistant surgeon, Thirty-fifth Infantry, United States Volunteers, February 14, 1900.

POSTMASTERS.

William A. Grummon, to be postmaster at Rockwell, in the county of Cerro Gordo and State of Iowa.

E. B. Dowell, to be postmaster at Indianola, in the county of Warren and State of Iowa.

HOUSE OF REPRESENTATIVES.

MONDAY, February 26, 1900.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday was read and approved.

GRAND RAPIDS WATER POWER, ETC., COMPANY, OF MINNESOTA.

Mr. MORRIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3003) to amend an act entitled "An act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minn., to construct a dam and bridge across the Mississippi River," approved February 27, 1899.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the Senate bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; and being read the third time, it was passed.

On motion of Mr. MORRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REPRINT OF A BILL.

Mr. BABCOCK. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 4618, known as the pure-food bill.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent for the reprint of the House bill 4618, known as the pure-food bill. Is there objection? [After a pause.] The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS.

Mr. BABCOCK. Now, Mr. Speaker, under the rules of the House this is District day. I take it for granted that the House will prefer to proceed with the Puerto Rican debate, and I ask unanimous consent that next Monday may be considered as District day instead of to-day.

The SPEAKER. The gentleman from Wisconsin asks that next Monday be set aside for business of the District of Columbia instead of to-day. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CHOCTAW, OKLAHOMA AND GULF RAILROAD COMPANY.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate bill 2354, enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

The Clerk read at length the Senate bill with House amendments.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SULZER. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from New York [Mr. SHERMAN] if the bill has been reported by the committee.

Mr. SHERMAN. It has been unanimously reported by the Committee on Indian Affairs.

Mr. SULZER. Is it in the usual form?

Mr. SHERMAN. It enlarges somewhat the rights of the railroad company which built the railroad, the charter of which was obtained ten years ago. It permits the company to acquire by purchase and extension which is now controlled by lease, and by the purchase saves the road the expense of maintaining two corporations.

Mr. BAILEY of Texas. Mr. Speaker, if the gentleman will permit me, I never heard of this bill until it was read, but I know the circumstances of the corporation. The road was built wholly in the Indian Territory. They subsequently extended their lines to Memphis, and this bill, I take it, simply allows them to purchase the line from where the line now exists to Memphis, making a continuous line.

Mr. SHERMAN. And also the power to extend certain branches.

Mr. TALBERT. I should like to inquire of the gentleman from New York if this bill carries with it any appropriation?

Mr. SHERMAN. Oh, no, indeed.

Mr. SULZER. And it does not take the Indian lands without just compensation?

Mr. SHERMAN. Not without compensation; certainly not.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none. The Chair understands that the gentleman from New York called up the Senate bill with House amendments?

Mr. SHERMAN. Yes.

The House amendments were agreed to.

The bill was ordered to be read a third time; and being read a third time, it was passed.

On motion of Mr. SHERMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. Is there a House bill similar in character?

Mr. SHERMAN. It is somewhat different, but it has not yet been reported.